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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 524—HONEY

SUBPART B—HONEY EXPORT PROGRAM UMX 66a (1953 MARKETING SEASON)

TERMINATION

Pursuant to § 524.307 of Honey Export Program UMX 66a (1953 Marketing Season) published in 18 F. R. 1956, 4091 and 5725, such program is hereby terminated as of 12:01 a. m., e. s. t., October 17, 1953.

Issued this 16th day of October 1953.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

[SEAL] S. R. SMITH,
Representative of the Secretary of Agriculture.

[F. R. Doc. 53-8917; Filed, Oct. 20, 1953; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 47]

PART 151—REGULATIONS UNDER THE HARRISON NARCOTIC LAW, AS AMENDED

DEFINITIONS

Narcotic Regulations 5 (26 CFR Part 151) relating to narcotics subject to the Harrison Narcotic Law, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4884, approved February 11, 1939 (26 CFR, Cum. Supp., p. 5875) are amended as follows:

Paragraph (b) of Article 2 (26 CFR 151.2 (b)) is hereby amended to read as follows:

(b) The term "narcotic", "narcotics", or "narcotic drugs" shall mean any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, isonipecaine, coca leaves and opiate;

(2) Any compound, manufacture, salt, derivative, or preparation of opium, isonipecaine, coca leaves, or opiate;

(3) Any substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subparagraphs (1) and (2) of this paragraph.

(53 Stat. 277; 26 U. S. C. 2559. Interprets or applies 53 Stat. 270, 283; 26 U. S. C. 2559, 2606)

Because the amendment made by this Treasury decision merely gives to the terms "narcotic," "narcotics", and "narcotic drugs", the definition given to the term "narcotic drugs" by statute, it is found unnecesssary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.
T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: October 16, 1953.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 53-8922; Filed, Oct. 20, 1953; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1012—GOVERNMENT PROPERTY

SUBPART H—IMPLEMENTATION OF MANUAL FOR CONTROL OF GOVERNMENT PROPERTY IN POSSESSION OF CONTRACTORS

Subpart H, comprising §§ 1012.801 to 1012.815, is added to Part 1012.

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FEDERAL REGISTER

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1012.815 Identification.

AUTHORITY: §§ 1012.801 to 1012.815 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161.

INTRODUCTION

§ 1012.801 *Scope.* [101] This subpart implements the Manual for Control of Government Property in Possession of Contractors (Appendix B, Part 413, Subchapter A, Chapter IV of this title) referred to in this subpart as the Manual. The number in brackets after each section heading and after certain paragraphs in the text indicates the number of the paragraph in the Manual which is being implemented.

§ 1012.802 *Applicability.* [103] (a) Contracts which provide that records of Government property be maintained in accordance with the requirements of AFM 69–3, AFR 69–6, or WD Memo 35–6520–1 may be amended to provide that Government property shall be controlled in accordance with the provisions of the Manual.

(b) Compliance with the provisions of the Manual and this subchapter is mandatory on the part of the contractors and Air Force personnel, in connection with contracts, wherein the terms specifically provide for the application of the provisions of the Manual.

(c) The policy of the Department of the Air Force is that maximum efficiency and economy of operation shall be obtained by the utilization of the contractor's property records as the official Government records in connection with those contracts executed prior to the effective date of Part 412 of this title, which required the Government to maintain property control records in accordance with AFM 69–3, AFR 69–6, or WD Memo 35–6520–1. With respect to those contracts requiring compliance with AFM 69–3, AFR 69–6, or WD Memo 35–6520–1, in the control of Government property, Government personnel are not required to comply with such provisions above and beyond the requirements of the Manual, although the contractor has a continuing obligation of compliance with the directive required and specified by its contract.

(d) The prime contractor is responsible for insuring, in all subcontracts, that Government property provided to such subcontractors shall be protected, preserved, and maintained in accordance with sound industrial practice.

(e) Property shipped out for repair with no parts or material furnished and/or no significant scrap resulting therefrom, may be accounted for as a suspense item in the Military Property Account from which shipped.

§ 1012.803 *Definitions.* [104] (a) *Property account.* The property account shall be assigned the same number as the prime contract number. Subcontract property accounts shall be assigned a number consisting of the prime contract number plus a suffix which shall be the number of the subcontract or purchase order, as assigned by the contractor.

(b) *Custodial records.* Custodial records are written memoranda of any description or type, used to control items issued to plant employees from tool cribs, tool rooms, stockrooms, and so forth, such as requisitions, issue slip receipts, tool checks, stock records books, and the like. [304.1 (c)]

GENERAL PROVISIONS

§ 1012.804 *Designation of property administrator.* [202] (a) Property administrators serve in the capacity of an authorized representative of the contracting officer, and will be designated in accordance with § 1000.406 of this subchapter.

(b) Ordinarily, base responsible supply officers should not be assigned the additional duty of property administrator. However, when such officers are designated property administrators as an additional duty, they should be familiar with the industrial property control procedures.

(c) The contract administrator will not perform the duties of the property administrator without prior approval of the head of the procuring activity or his duly designated representative.

(d) Assistant property administrators may be appointed in accordance with § 1000.406 of this subchapter.

(e) Property administrators may be either civilian or military personnel, and shall be appointed on the basis of experience and qualification for the position.

(f) The property administrator shall not be required to post a bond unless Government property is in his care and custody and he is responsible for such property.

§ 1012.805 *Duties and responsibilities of the property administrator.* [203] (a) The property administrator shall be familiar with the functions of other Air Force personnel who have a duty or a responsibility in connection with Government property. These other Air Force activities include, but are not limited to, plant clearance (property disposal), quality control, and Auditor General.

(b) The property administrator shall advise the contract administrator in regard to any act of noncompliance by the contractor with regard to the contract requirements and all obligations imposed by the Manual. The contract administrator is responsible for directing the contractor to comply with the contract requirements and the provisions of the Manual.

(c) In maintaining surveillance over the contractor's system of property controls, the property administrator shall give due consideration to the contractor's system of internal controls, and he shall conduct such examinations as shall be necessary to determine the accuracy and completeness of the contractor's records, and adequately protect the interests of the Government. Exhaustive verification and time-consuming analysis shall not be performed in connection with those operations which are considered to be commercially sound. The property administrator shall confer with the resident auditor, or other responsible audit office of the Auditor General, on accounting and audit matters, and he shall ascertain the extent to which the records, data, and reports of such audit activities can be utilized in determining the adequacy of the contractor's property controls. Ordinarily, it shall not be necessary for the property administrator to duplicate any examination or examinations made by the staff of the Auditor General.

(d) The property administrator shall utilize and rely on the assistance of Air Force personnel, such as plant clearance (property disposal), quality control, and Auditor General personnel, to ascertain whether the contractor is using property for the purposes authorized by the contract, and whether the contractor is exercising the necessary degree of care in the handling of Government property.

(e) The property administrator shall perform only those checks necessary to determine reasonableness of usage. Records of the contractor, and records of other Air Force personnel, including, but not limited to, plant clearance (property disposal), quality control, and Auditor General personnel, shall be used at all times to the extent that the property administrator shall not prepare or maintain any records which are obtainable from the contractor or other Air Force personnel indicated above. Work papers shall be kept to a minimum.

(f) The property administrator shall perform his examination of the property records through the evaluation of the contractor's internal controls, and he shall conduct tests to determine whether the contractor's records properly reflect the status of Government property. In this connection, the property administrator will confer with Auditor General personnel to obtain information of any known deficiencies in the contractor's property control system. The property administrator shall review and consider the information and examinations of other Government personnel, and if he determined that such information and examination are adequate to comply with the requirements of the Manual and this subchapter, he shall not duplicate such examinations and the like, but will make appropriate reference thereto in his work papers.

§ 1012.806 *Duties and responsibilities of the contractor.* [204] See § 1012.802 (d) concerning the responsibility of the prime contractor with respect to provisions in subcontracts.

§ 1012.807 *Sources from which Government property may be furnished or acquired.* [205] (a) *Contractual coverage.* In accordance with the policy contained in Part 412 of this title, and the Manual, Government property shall be furnished to a contractor only when specifically provided for by the terms of a written contract. Any deviation from this policy shall be granted only by the prior written approval of the Director, Procurement and Production Engineering, Deputy Chief of Staff, Materiel, Headquarters USAF. When the fact is disclosed that Government property is in the possession of the contractor without contractual coverage, the property administrator shall take immediate action to return the property to the ship-

ping organization, or obtain appropriate contractual coverage.

(b) *Military installations or other contractor's plants.* Property may also be acquired by an operating contractor as a result of new facility construction by other contractors under construction contracts with the Department of the Air Force or other Department of Defense agency. [205–1]

§ 1012.808 *Segregation or commingling of Government property and contractor's property.* [206] (a) Where a contractor is engaged in both cost plus fixed fee (CPFF) and fixed price (FP) Government contracts in one plant, such contractor, for the purposes of this section, is not considered to be engaged solely in Government work.

(b) In connection with research and development contracts involving profit or fee, the contract administrator may permit commingling, when determined not to be to the disadvantage of the Government, provided that the contractor acknowledges, in writing, liability for any losses occurring during the period the property is commingled.

(c) Any other commingling, when determined not to be to the disadvantage of the Government, may be permitted by the contract administrator, provided that the contractor acknowledges, in writing, liability for any losses occurring during the period the property is commingled.

§ 1012.809 *Physical inventories.* [207] The contract administrator shall utilize, to the extent possible, the services of other technical Air Force personnel, such as plant clearance (property disposal) personnel, in connection with physical inventories.

RECORDS TO BE MAINTAINED

§ 1012.810 *General.* [301] (a) The contractor is obligated by virtue of the provisions of the contract to maintain adequate property control records, which are designated and utilized as the official contract records. Air Force property personnel shall not maintain duplications of the official contract records, or any part thereof.

(b) The authority to grant exceptions to the policy that the contractor's records shall be designated and used as the official contract records is delegated to the Commanding General, Air Materiel Command, or his duly authorized representative, provided, however, that such representative shall not be an individual below the level of the commanding officer at an air procurement district or equivalent organization. Such exceptions, however, may be authorized, in writing only in unusual circumstances. Class or group exceptions are not authorized. Each exception authorized must relate to a specific contract, a specific invitation for bid, or specific request for proposals, and must be covered by an adequate provision in the contract clause.

(c) Generally, contractors have established procedures, methods, and controls which may be described and set forth in various manuals, documents, memoranda, and the like, or which may be in the form of a written statement prepared by the contractor, all of which serve to prescribe the techniques of property control. These procedures, methods, controls, and techniques comprise the contractor's property control system. If such property control system fulfills the basic requirements of the Manual, it shall be approved in accordance with the provisions of the manual, and the contractor shall not be required to prepare an additional composite manual solely to obtain the requisite approval.

(d) When a contractor has an established property audit unit, whose operations are considered to be adequate for safeguarding the interest of the Government, the contract administrator may advise the property administrator that the selective examination program of the property control system shall be reduced to a minimum.

(e) Individual item records of plant equipment, in accordance with paragraph 304.3 of the Manual, when priced at $100 or under are not required.

§ 1012.811 *Pricing.* [302] Separate unit prices shall be applied to items of special tooling fabricated by the contractor, provided, however, that when the costs of establishing or maintaining detailed itemized records for individual items of special tooling are considered to be excessive and not practicable in the light of all the circumstances, then it may be permissible to utilize "group pricing" for special tooling. Group pricing may be utilized for "work-in-process."

§ 1012.812 *Records to be maintained by Government personnel.* [303] (a) The property administrator shall not be required to duplicate records maintained by other Government personnel, but will rely on such records, provided that, in connection with those records maintained by other Government personnel, the property administrator has determined that such records comply with the provisions of the Manual, and the personnel responsible for maintaining the records have been informed by the property administrator, in writing, of the requirements of the Manual.

(b) Deviations shall be processed and approved in acordance with § 1000.109 of this subchapter.

(c) The property administrator shall maintain for each contract a file containing copies of such determinations as are made under the circumstances set forth in paragraph 402.2 of the Manual, whereby the contract administrator has rendered a determination regarding the liability of the contractor. The property administrator shall not be required to maintain duplicate copies of such instrument or instruments as the contract administrator may issue under the provisions of paragraph 402.1 of the Manual, or such other instrument or instruments that are readily available in the files of the contractor or other Government personnel, such as plant clearance, quality control, and Auditor General personnel.

§ 1012.813 *Records to be maintained by the contractor.* [304] (a) The contract administrator may authorize the use of the simple item record in the following instances, provided, however, that the material so recorded is issued for immediate consumption, or the material is not entered in the costed inventory account as a matter of sound business practice.

(1) Subcontract or outside production items, only when such items are received and immediately issued direct to production on receipt thereof.

(2) Nonstock or special items. These items are considered to be those whose procurement cycle is irregular and infrequent.

(3) Items (such as maintenance and repair parts to plant equipment) which are procured and issued direct for installation, and no spoilage is involved.

(4) Items issued from contractor's inventory direct to production, maintenance, and so forth.

(b) The form of the property records maintained for plant equipment is optional on the part of the contractor, provided, however, that the minimum information and data required by the Manual is contained therein.

§ 1012.814 *Numbering property accounts.* [305] Property accounts shall be assigned the same number as that of the prime contract. However, to expedite and insure proper distribution of documents, each property account assigned to a single property administrator shall be assigned the identification number of the property administrator as a prefix to the contract number.

MISCELLANEOUS PROVISIONS

§ 1012.815 *Identification.* [401] (a) The method of marking and identifying Government-owned special tooling shall be agreed to by the contractor and the contract administrator. The contractor will be responsible for determining whether or not the marking will damage the tooling or is otherwise impracticable. The contractor shall advise the contract administrator, in writing, of any such determination. [401.1 (b)]

(b) Plant equipment, other than that included within the Industrial Mobilization Program, shall be assigned an identification number and marked in accordance with a system of identification and marking as agreed to by the contractor and the contract administrator, provided that such system conforms to the requirements of the Manual. Numbers and tags will be permanent and will not be changed as long as the equipment remains under the control of the Air Force. When plant equipment is provided to contractors, and is marked and identified in substantial compliance with the requirements of the Manual, it shall not be required that such markings be changed or altered. [401.1 (c)]

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 53–8912; Filed, Oct. 20, 1953; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 162 to Schedule A]

[Rent Regulation 2, Amdt. 160 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NORTH CAROLINA

Effective October 22, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 16th day of October 1953.

GLENWOOD J. SHERRARD,
Director,
Defense Rental Areas Division.

(218) [Revoked and decontrolled.]

These amendments decontrol the following defense-rental area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Camp Lejeune (North Carolina) Defense-Rental Area.

[F. R. Doc. 53-8973; Filed, Oct. 19, 1953; 4:01 p. m.]

[Rent Regulation 3, Amdt. 152 to Schedule A]

[Rent Regulation 4, Amdt. 96 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NORTH CAROLINA

Effective October 22, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 16th day of October 1953.

GLENWOOD J. SHERRARD,
Director,
Defense Rental Areas Division.

(218) [Revoked and decontrolled.]

These amendments decontrol the following defense-rental area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Camp Lejeune (North Carolina) Defense-Rental Area.

[F. R. Doc. 53-8972; Filed, Oct. 19, 1953; 4:01 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 722]

1954 CROP OF UPLAND COTTON

NOTICE OF PROPOSED FORMULATION OF MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF THE NATIONAL ACREAGE ALLOTMENT TO STATES, COUNTIES, AND FARMS

Pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1393, the Secretary of Agriculture has under consideration, in the event a national marketing quota for the 1954 crop of upland cotton is required to be proclaimed by section 342 of the act, the formulation of regulations pertaining to apportionment of the national acreage allotment among the cotton-producing States, apportionment of the State acreage allotments among counties, and the establishment of farm acreage allotments, and other provisions relating to the operation of marketing quotas. There appear below the provisions of the regulations being considered for issuance. Prior to issuing the proposed regulations, consideration will be given to any data, views, and recommendations pertaining to such regulations which are submitted in writing to the Director, Cotton Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

The provisions of the proposed regulations are as follows:

GENERAL

§ 722.511 *Basis and purpose.* The provisions of §§ 722.511 to 722.530 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of acreage allotments and marketing quotas for the 1954 crop of cotton.

§ 722.512 *Definitions.* As used in §§ 722.512 to 722.530 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary, or Acting Secretary, of Agriculture of the United States.

(c) "Assistant Administrator" means the Assistant Administrator for Production, or Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Branch, Production and Marketing Administration, United States Department of Agriculture.

(e) "Committee": (1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (14 F. R. 5916).

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (14 F. R. 5916).

(3) "State committee" means the persons designated by the Secretary as the State committee of the Production and Marketing Administration.

(4) "Review committee" means the review committee appointed by the Secretary as provided in section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or State or agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means a person who as landlord or cash tenant or standing or fixed-rent tenant is operating a farm or who as share tenant is operating a whole farm.

(l) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor sub-

stantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means a cotton acreage allotment established for a farm under the regulations in this subpart.

(n) "Upland cotton" (herein referred to as "cotton") means any cotton other than extra long staple cotton.

(o) "Extra long staple cotton" means the kinds of cotton described in section 347 (a) of the act and in the regulations pertaining to the 1954 crop of extra long staple cotton.

(p) "State and county code number" means the applicable number assigned by the Production and Marketing Administration to each State and county for the purpose of identification.

(q) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee.

(r) "Old cotton farm" means a farm having an acreage planted to cotton in any one or more of the years 1951, 1952, and 1953.

(s) "New cotton farm" means a farm on which cotton is to be planted in 1954 but on which there was no acreage planted to cotton in any of the years 1951, 1952, or 1953.

(t) "Normal yield" means the average yield of lint cotton per acre for the farm, adjusted for abnormal weather conditions, during the five calendar years 1947, 1948, 1950, 1951, and 1952. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with instructions issued by the Assistant Administrator.

(u) "Normal production" of any number of acres means the normal yield per acre of lint cotton for the farm multiplied by such number of acres.

(v) "Actual yield" means the pounds of lint cotton per acre determined by dividing the number of pounds of lint cotton produced on the farm in 1954 by the acreage planted to cotton on the farm in 1954.

(w) "Actual production" of any number of acres means the actual yield of lint cotton per acre for the farm multiplied by such number of acres.

(x) "Producer" means a person who as landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper is entitled to all or a share of the 1954 crop of cotton or of the proceeds thereof.

(y) "Acreage planted to cotton": (1) *State.* The acreages of cotton to be used in establishing State acreage allotments are as follows:

(i) *For 1947, 1948, 1951, and 1952.* The official planted acreages for the years 1947, 1948, 1951, and 1952 (acreage in cultivation on July 1 of each year plus the estimated acreage seeded but abandoned prior to July 1), as determined by the Bureau of Agricultural Economics of the United States Department of Agriculture, plus, for 1947, the total acreage of war crop and veteran credits determined and used under those provisions of the Regulations Pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (14 F. R. 7441) which implemented Public Law 12, 79th Congress, and section 344 (1) of the act.

(ii) *For 1950.* The measured acreage determined by the county committees for purposes of the 1950 cotton marketing quota program, and adjusted according to the provisions of subsections (f) (4) and (5), (g) (3), and (i) of section 344 of the act.

(2) *County.* The acreages of cotton to be used in establishing county acreage allotments are as follows:

(i) *For 1947 and 1948.* The official acreage in cultivation on July 1 each year as determined by the Bureau of Agricultural Economics of the United States Department of Agriculture, plus, for 1947, the total acreage of war crop and veteran credits determined and used under those provisions of the Regulations Pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (14 F. R. 7441) which implemented Public Law 12, 79th Congress, and section 344 (1) of the act.

(ii) *For 1950.* The measured acreage determined by the county committee for purposes of the 1950 cotton marketing quota program, and adjusted according to the provisions of subsections (f) (4) and (5), (g) (3), and (i) of section 344 of the act.

(iii) *For 1951 and 1952.* The official planted acreage (acreage in cultivation on July 1 of each year plus the estimated acreage seeded but abandoned prior to July 1) as determined by the Bureau of Agricultural Economics of the United States Department of Agriculture.

(3) *Farm.* For purposes of establishing farm acreage allotments for the 1954 crop of cotton, the acreage planted to cotton on a farm means the acreage of land seeded to cotton. The acreage seeded to cotton for the years 1951 to 1953, inclusive, shall be determined as follows:

(i) *For 1951 and 1952.* The acreage measured by the county committee or reported to the county committee for the farm, with such adjustments in the reported acreages as are necessary under instructions issued by the Assistant Administrator. The sum of the reported acreages as adjusted by the county committee plus the measured acreages shall conform with the official planted acreages of the Bureau of Agricultural Economics, United States Department of Agriculture, for the respective years to the extent required under instructions issued by the Assistant Administrator.

(ii) *For 1953.* The acreage measured by the county committee in accordance with instructions issued by the Assistant Administrator.

(4) *Exclusion of acreages planted to extra long staple cotton.* Acreage devoted to the production of American-Egyptian, Sea Island, and Sealand cotton during the period of years 1947 to 1953, inclusive, shall not be included in the acreage planted to cotton, as determined under subparagraphs (1) and (2) of this paragraph, for the purposes of determining acreage allotments for the 1954 crop of cotton.

(z) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton, which conditions must have been of sufficient duration to make it impractical to seed land to cotton and must have continued until the end of the planting season for the area. In apportioning the national acreage allotment to States, the Secretary shall make such adjustments in State cotton acreages affected by abnormal weather conditions as he determines are necessary. In apportioning the State acreage allotment to counties, adjustments in county acreages of cotton for abnormal weather conditions shall be made for applicable years where recommended by the State committee and approved by the Secretary. Any such adjustment in State or county cotton acreages shall be the amount which can be established by reference to available information and data as the net reduction of planted acreage in the State or county attributable solely to abnormal weather conditions. Adjustments for abnormal weather conditions shall take into consideration failure to seed cotton because of abnormal weather conditions. Also, for the years 1947 and 1948 abandonment of cotton prior to July 1 in excess of normal abandonment by that date because of abnormal weather conditions shall be taken into consideration in determining adjustments, if any, in county acreages of cotton for these years.

(aa) "Cropland" means the land which in 1953 was tilled or was in regular rotation as determined in accordance with instructions issued by the State committee, excluding any land which constitutes, or will constitute, if such tillage is continued, a wind-erosion hazard to the community and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable non-crop open pasture.

§ 722.513 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in §§ 722.511 to 722.530. The forms shall be issued by the Director, with the approval of the Assistant Administrator, and the instructions shall be issued by the Assistant Administrator. Copies of such forms and necessary instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or the Director.

§ 722.514 *Extent of calculations and rule of fractions.* The acreage planted to cotton on farms and farm acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one

thousandths of an acre or more shall be rounded upward, and fractions of fifty-thousandths of an acre or less shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.515 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed by the Secretary for the 1954 crop of cotton, less the acreage required pursuant to section 344 (k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1951, 1952 or 1953, shall be apportioned among the other States on the basis of the acreage planted to cotton in such States for the years 1947, 1948, 1950, 1951 and 1952, with adjustments for abnormal weather conditions during such years. The acreage allotted to a State pursuant to the provisions of this section is herein referred to as the "State acreage allotment".

§ 722.516 *Apportionment of State acreage allotment among counties*—(a) *Computed county acreage allotments.* The State acreage allotment for the 1954 crop of cotton, less the State acreage reserve established pursuant to paragraph (b) of this section, shall be apportioned to counties (parishes in Louisiana) on the basis of the acreage planted to cotton in 1947, 1948, 1950, 1951, and 1952 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. The acreage allotted to a county (or parish) pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment".

(b) *State acreage reserve.* The State committee shall set aside a total State acreage reserve of 10 percent of the State acreage allotment (15 percent in the case of Oklahoma) unless, on the basis of the needs of the State as determined under each of the subparagraphs of this paragraph, the State committee recommends a smaller reserve and the Administrator of the Production and Marketing Administration approves such recommendation. The State acreage reserve needs for the purposes set forth in subparagraphs (1) through (4) of this paragraph (b) shall be determined and the acreage so reserved shall be used in accordance with instructions issued by the Assistant Administrator.

(1) *To adjust computed county acreage allotments for trends in the acreage of cotton in the county.* The State committee shall, if necessary, adjust the computed county acreage allotments for trends in the acreage of cotton in the county during recent years, excluding 1949. Any such adjustments shall be determined by use of a formula, if needed, applied uniformly to each county in the State. The 1949 cotton acreage for the county shall not be used in determining and adjustments for trends.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of cotton.* The State committee shall, if necessary, adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the county during the base years. The State committee shall examine the acreage planted to cotton for each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining the needs for adjustments for abnormal conditions adversely affecting plantings, the State committee shall take into account (i) abnormal weather conditions adversely affecting plantings during any of the base years; (ii) conditions in counties in which a number of farms are being returned to cotton production or are increasing the acreage in cotton after having been out of production or having been on a reduced level of cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iii) abnormal reduction in planted cotton acreage because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and its return, as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent as compared with other counties.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established as provided for in subparagraphs (1) and (2) of § 722.517 (d) to adjust indicated farm acreage allotments established under § 722.517 (b) at 15 acres or less. The acreage made available to any county under this subparagraph shall be used by the county committee only for small farm allotments.

(4) *To establish 1954 acreage allotments for new cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new cotton farms are generally uniform throughout the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.517 (d) (3). In States where new areas will be brought into cotton production in 1954, the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage set aside by the county committee, if any, from the county acreage reserve for establishing acreage allotments for new cotton farms. In determining the estimated acreage to be set aside for establishing fair and reasonable acreage allotments for new cotton farms on the basis of the factors set forth in § 722.517 (d) (3) (i), the State committee shall take into consideration experience in establishing acreage allotments for new cotton farms under previous marketing quota programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(c) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested cotton producer:

(1) The amount of the State acreage reserve;

(2) The formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (b) of this section; and

(3) The total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3) and (4) of paragraph (b) of this section.

(d) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (a) of this section, and (2) the acreages added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (b) of this section.

(e) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county that, because of the difference in types, kinds, and productivity of the soil or other conditions, different areas of the county should be treated separately in order to prevent discrimination, each such area shall, in accordance with instructions issued by the Assistant Administrator, be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in establishing farm acreage allotments under § 722.517. The computed county acreage allotment determined under paragraph (a) of this section shall be apportioned to administrative areas on the same basis as to years as that used in apportioning the State acreage allotment to counties, with adjustments for trends in acreage and for abnormal conditions adversely affecting plantings in such areas in the same manner as provided in subparagraphs (1) and (2) of paragraph (b) of this section for counties.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.517 *Apportionment of county acreage allotment*—(a) *Deduction of county acreage reserve.* Before indicated farm acreage allotments are established under paragraph (b) of this section, the county committee shall deduct the county acreage reserve as provided in paragraph (c) of this section from the county acreage allotment.

(b) *Indicated acreage allotments for old cotton farms.* The country acreage allotment, less the county acreage reserve, shall be used to determine indicated allotments for old cotton farms as follows:

(1) *Indicated minimum acreage allotments for old cotton farms with highest*

cotton acreage less than 5 acres. The indicated minimum acreage allotment for each old cotton farm on which the highest acreage planted to cotton during any of the years 1951, 1952, and 1953, was less than five acres, shall be equal to such highest acreage.

(2) *Pro rata reduction of indicated acreage allotments for old cotton farms.* If the sum of (i) the indicated acreage allotments determined under subparagraph (1) of this paragraph and (ii) the acreage determined by multiplying the number of old cotton farms with the highest cotton acreage of 5 acres or more in any of the years 1951, 1952, or 1953, by 5, exceeds the county acreage allotment, less the county acreage reserve, an indicated acreage allotment of 5 acres shall be established for each old cotton farm with a highest planted acreage of 5 acres or more. Where indicated acreage allotments of 5 acres are established under this subparagraph, the indicated acreage allotment determined under this subparagraph and under subparagraph (1) of this paragraph for each old cotton farm shall be reduced pro rata so that the sum of the indicated acreage allotments for all old cotton farms shall not exceed the county acreage allotment, less the county acreage reserve.

(3) *Indicated acreage allotments for old cotton farms with highest cotton acreage of 5 acres or more*—(i) *Determination of adjusted cropland.* If subparagraph (2) of this paragraph is not applicable in a county, the county committee shall, in accordance with instructions issued by the Assistant Administrator, determine an adjusted cropland acreage for each old cotton farm on which the highest acreage planted to cotton during any of the years 1951, 1952, or 1953, was five acres or more, by subtracting from the acreage of land on the farm which in 1953 was tilled annually or in regular rotation, the sum of the following acreages:

(*a*) The 1953 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(*b*) The 1953 acreage of tobacco (or the 1953 farm acreage allotment, if any, for the applicable type of tobacco if the 1953 acreage has not been determined;

(*c*) The 1953 acreage of peanuts picked and threshed as determined by the county committee;

(*d*) The acreage of wheat for harvest in 1954 for market or for feeding to livestock for market (or the 1954 farm acreage allotment for wheat if the wheat acreage has not been determined.

(*e*) The acreage planted to rice in 1953 for market or for feeding to livestock for market, plus the acreage of other riceland on the farm for which water is available and which is not used for the production of cotton under the rotation system for the farm;

(*f*) The acreage of land devoted in 1953 primarily to orchards or vineyards, less the acreage therein which qualifies as cropland for 1954; and

(*g*) In irrigated areas designated by the Secretary, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the cotton-producing season (seeding to maturity).

(ii) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (*a*) the remainder of the county acreage allotment (less the county acreage reserve) after indicated allotments have been made under subparagraph (1) of this paragraph, by (*b*) the total of the adjusted cropland acreages on old cotton farms under this subparagraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (*1*) the available county acreage allotment remaining after maximum and minimum indicated farm acreage allotments as defined in paragraph (b) (3) (iii) have been established for such old cotton farms by (*2*) the total of the adjusted cropland acreages for farms under this subparagraph in the county, which under the preceding factor were not affected by either the maximum or the minimum allotment provisions. The last county cropland factor computed and applied shall be referred to herein as the "final county cropland factor".

(iii) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old cotton farm under this subparagraph by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that (*a*) the maxiumm indicated acreage allotment for any such farm shall not exceed the highest acreage planted to cotton on the farm in any of the years 1951, 1952, or 1953 or (*b*) the minimum indicated acreage for any such farm shall not be less than 5.0 acres.

(c) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which shall be used to adjust indicated farm acreage allotments determined under paragraph (b) of this section and to establish acreage allotments for new cotton farms under paragraph (d) (3) (ii) of this section. The county acreage reserve shall not be less than 13 percent of the county acreage allotment unless the county committee recommends a smaller acreage reserve and the State committee gives its approval in accordance with instructions issued by the Assistant Administrator. Any approval of a smaller acreage reserve shall be based upon a showing by the county committee that the recommended acreage is adequate to make necessary adjustments in indicated allotments for old cotton farms and to establish allotments for new cotton farms considering all the factors set forth in paragraph (d) of this section.

(d) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 5 to 15 acres.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments of 5 to 15 acres, inclusive, determined under paragraph (b) of this section. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to cotton in 1951, 1952 and 1953, the land, labor, and equipment available for the production of cotton, crop-rotation practices, the soil and other physical facilities affecting the production of cotton, and abnormal conditions of production. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted on the farm in 1954 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause cotton to be planted on land unsuited to the production of cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting the requirements under subparagraph (1) and (3) of this paragraph, shall be used by the county committee to adjust indicated acreage allotments for farms which are less than 5 acres or more than 15 acres. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of cotton, crop-rotation practices, the soil and other physical facilities affecting the production of cotton, and abnormal conditions of production. The acreages planted to cotton on a farm in 1951, 1952, and 1953 shall be considered in determining the land, labor, and equipment available for the production of cotton and in connection with crop-rotation practices followed on the farm. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted on the farm in 1954 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause cotton to be planted on land unsuited for the production of such crop.

(3) *Acreage allotments for new cotton farms*—(i) *Determination of county acreage needed for establishing acreage allotments for new cotton farms.* The county committee with the assistance of the community committees shall estimate from county office records and other available sources of information the number of new cotton farms in the county and the adjusted cropland acreage for such farms. The data obtained from such surveys shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new cotton farms. The acreage so determined shall not exceed 75 percent of the acreage determined by multiplying the county cropland factor,

which shall be estimated where necessary, by the total estimated adjusted cropland acreage on new cotton farms in the county. In determining the acreage to be set aside from the county acreage reserve for establishing acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to paragraph (b) (4) of § 722.516 for establishing acreage allotments for new cotton farms.

(ii) *Establishment of acreage allotments for new cotton farms.* The operator of each new cotton farm shall file with the county committee a written application requesting a cotton acreage allotment for such farm by not later than the closing date established by the State committee which shall not be earlier than January 15, 1954. The county committee shall determine the eligibility of each applicant's farm for a cotton acreage allotment. If the applicant's farm is eligible for a cotton acreage allotment, such allotment shall be established by the committee on the basis of land, labor, and equipment available for the production of cotton, crop-rotation practices, the soil and other physical facilities affecting the production of cotton. The acreage allotment so determined for any such farm shall not exceed the acreage allotment established for old cotton farms in the county which are similar with respect to such factors. The acreage allotments for new cotton farms shall be subject to review and approval by the State committee.

(e) *Use of acreage allocated to county from State acreage reserve for making adjustments in acreage allotments for small farms.* The acreage allocated to a county from the State acreage reserve for making adjustments in acreage allotments for small farms shall be used to adjust indicated farm acreage allotments of 15 acres and less on the basis of the factors set forth in paragraph (d) of this section for adjusting small farm allotments.

(f) *Availability of reserves for inspection by interested cotton producers.* The total amounts of the State and county acreage reserves and the distribution of such reserves and all other data used in establishing farm acreage allotments shall be available in the office of the county committee for examination by any interested cotton producer.

§ 722.518 *Allotments for special farms*—(a) *Allotments for farms returned to agricultural production.* The owner or operator of any cotton farm in an area acquired in 1940 or thereafter for non-farming purposes by the United States or any State or agency thereof which has been returned to agricultural production and which is not eligible under the regulations in this subpart for an acreage allotment as an old cotton farm, may make application to the county committee for a cotton acreage allotment for such farm by the earlier of (1) the prescribed closing date established by the State committee which shall not be later than March 1, 1954, and (2) within three years after acquisition of such farm by the applicant. No such owner or operator shall be eligible for an acreage allotment under this paragraph unless it is established to the satisfaction of the county committee that such person was the owner or operator of a cotton farm at the time it was acquired by the United States or any State or agency thereof. The acreage allotment established for any such farm shall compare with the acreage allotments established for other farms in the same area which are similar, taking into consideration the acreage allotment, if any, last established for such farm, the land, labor, and equipment available for the production of cotton, the crop-rotation practices, and the soil and other physical facilities affecting the production of cotton.

(b) *Allotments for other farms owned or operated by persons from whom cotton farms were acquired.* The county committee shall establish an acreage allotment or consider an adjustment in the acreage allotment determined under § 722.517, for any farm within the State owned or operated by a person from whom a cotton farm was acquired in the State in 1940 or thereafter for governmental or other public purposes provided application therefor is filed within three years after acquisition of such farm by the applicant. The acreage allotment established for any such farm shall compare with the acreage allotments established for other farms in the same area which are similar, taking into consideration the acreage allotment, if any, of the farm so acquired from the owner or operator, the land, labor, and equipment available for the production of cotton, the crop-rotation practices, and the soil and other physical facilities affecting the production of cotton; *Provided*, That no person shall be entitled to receive an acreage allotment under both this paragraph and paragraph (a) of this section.

(c) *Cotton farm.* For the purpose of paragraphs (a) and (b) of this section, "cotton farm" means any farm on which there was an acreage planted to cotton (or regarded as planted to cotton under Public Law 12, 79th Congress and section 344 (l) of the act) during any of the three years immediately preceding the year in which the farm was acquired by the United States, or any State or any agency thereof, or for any public purpose.

(d) *Acreage allotted in addition to county and State acreage allotments.* Except to the extent that the production of any farm for which an acreage allotment is established under paragraphs (a) and (b) of this section has contributed to the county and State acreage allotments, the additional acreage allotted under paragraphs (a) and (b) of this section shall be in addition to the acreage allotments otherwise established for the county and State under the applicable provisions of the regulations in this subpart and the production of the additional acreage so allotted shall be in addition to the national marketing quota.

LONG STAPLE COTTON

§ 722.519 *Extra long staple cotton*—(a) *If marketing quotas under section 347 (a) of the act are in effect for the 1954 crop.* If marketing quotas for extra long staple cotton are in effect for the 1954 crop, the provisions of this subpart relating to cotton shall not apply to those types of extra long staple cotton which are subject to marketing quotas under the provisions of section 347 (a) of the act.

(b) *If marketing quotas under section 347 (a) of the act are not in effect for the 1954 crop.* If marketing quotas for extra long staple cotton are not in effect for the 1954 crop—

(1) All of the 1954 crop of American Egyptian cotton which is produced from pure strain seed in Cochise, Graham, Greenley, Maricopa, Mohave, Pima, Pinal, Santa Cruz and Yuma Counties, Arizona, and Imperial, and Riverside Counties, California, and Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, and Sierra Counties, New Mexico, and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1954 cotton crop, provided such cotton is ginned on a roller type gin or the Assistant Administrator authorizes the cotton to be ginned on another type gin for experimental purposes or to prevent loss of the cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on any farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain American Egyptian seed is to be planted and (ii) that roller type gin facilities are available in the area for the ginning of such cotton and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the American Egyptian seed to be planted showing that such seed is of pure strain.

(2) All of the 1954 crop of Sea Island and Sealand cotton which is produced from pure strain seed in Alachua, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Suwannee, Union and Volusia Counties, Florida, and Atkinson, Berrien, Cook, and Lanier Counties, Georgia, and all of the 1954 crop of Sea Island cotton which is produced from pure strain seed in Puerto Rico, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1954 crop, provided such cotton is ginned on a roller type gin or the Assistant Administrator authorizes the cotton to be ginned on another type gin for experimental purposes or to prevent loss of the cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on any farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain Sea Island

seed, or pure strain Sealand seed, is to be planted and (ii) that roller type gin facilities are available in the area for the ginning of such cotton and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the Sea Island seed and the Sealand seed to be planted showing that such seed is of pure strain; and

(3) Any cotton produced from the 1954 crop which staples one and one-half inches or more in length and which is ginned on a roller type gin, or the Assistant Administrator authorizes the cotton to be ginned on another type gin for experimental purposes or to prevent loss of the cotton due to frost or other adverse conditions, shall be exempted from the provisions of the regulations in this subpart with respect to marketing quotas for the 1954 crop of cotton regardless of where the cotton is produced in the United States or the variety of cotton from which such lint is produced.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.520 *Notice of farm acreage allotment and marketing quota.* Immediately upon establishing farm acreage allotments for farms in a county or other local administrative area, the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of (a) each new cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established and (b) each farm for which no cotton acreage data was reported pursuant to § 722.526 but on which the county committee believes cotton was planted in one or more of the years 1951, 1952 or 1953, a similar written notice showing "none" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the cotton produced in 1954 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to December 15, 1953, the date on which the referendum to determine whether cotton farmers favor or oppose marketing quotas for the 1954 crop will be held.

§ 722.521 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1954 crop of cotton shall be the actual production of lint cotton for the acreage planted to cotton on the farm less the farm marketing excess.

§ 722.522 *Amount of the farm marketing excess*—(a) *Where the acreage planted to cotton is determined.* The farm marketing excess for the 1954 crop of cotton shall be the normal production of the acreage of cotton on the farm in excess of the farm acreage allotment. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm in accordance with regulations to be issued under this part by the Secretary, that the normal production of the excess acreage is larger than the amount by which the actual production of cotton in 1954 on the farm exceeds the normal production of the farm acreage allotment, the farm marketing excess shall be adjusted downward to the smaller amount.

(b) *Where the acreage planted to cotton is not determined.* Whenever the determination of the acreage planted to cotton in excess of the farm acreage allotment is prevented by the farm operator, the farm marketing excess shall be the total number of pounds of cotton produced in 1954 on the farm. In the event the farm operator or any other producer on the farm establishes, in accordance with regulations to be issued under this part by the Secretary, the total number of pounds of cotton produced in 1954 on the farm, the farm marketing excess shall be the number of pounds of cotton produced in 1954 on the farm in excess of the normal production of the farm acreage allotment.

§ 722.523 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof, a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area.

§ 722.524 *Successors-in-interest* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of cotton.

§ 722.525 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.526 *Report of data and information for old cotton farms.* The owner, operator, or any other interested person shall furnish the county committee of the county in which the farm is located the data and information required to be entered on Form CN–364 (1953), "Farm Acreage Report", a copy of which may be obtained from the county committee of any county in which cotton is grown or from the State committee. The county committee, with the assistance of the community committee, shall, insofar as possible, appraise and otherwise determine the required data and information for any farm for which such report on Form CN–364 (1953) is not filed by a person having an interest in the farm, using for such appraisals and determinations the records of the county office for the farm and other farms in the community and other available information.

§ 722.527 *Acreage planted to cotton*—(a) *Adjustment of acreage planted in excess of farm acreage allotment.* If the acreage determined to be planted to cotton on a farm in 1954 is in excess of the farm acreage allotment, the farm operator may, not later than a date established under instructions issued by the Assistant Administrator, adjust such planted acreage to the farm acreage allotment. The date established under such instructions shall afford farm operators a reasonable time for making such adjustments.

(b) *Underplanting the farm acreage allotment.* For any farm on which cotton is planted in 1954 and the acreage of cotton in 1954 is less than the farm acreage allotment for the 1954 crop of cotton by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to cotton on the farm in 1954, and the additional acreage added to the cotton acreage history for the farm shall be added to the cotton acreage history for the county and State.

(c) *No credit for overplanting the farm acreage allotment.* Any acreage planted to cotton in 1954 in excess of the farm acreage allotment for the 1954 crop of cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1955 and subsequent crops of cotton.

§ 722.528 *Availability of records.* The State and county committee shall make available for inspection by owners or operators of farms receiving cotton acreage allotments, all records pertaining to cotton acreage allotments and marketing quotas.

§ 722.529 *Approval of county committee determinations and redelegation of*

authority by the State committee—(a) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may correct or require correction of any determinations made under §§ 722.517 to 722.527. All acreage allotments shall be approved by the State committee and no official notice of acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.511 to 722.530 may be redelegated by the State committee.

REVIEW OF QUOTAS

§ 722.530 *Review of quotas*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment or marketing quota established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm acreage allotment or marketing quota for such farm, may, by making application within 15 days after the mailing directly to him of the notice provided for in § 722.520, have such allotment, quota, or determination reviewed by a review committee composed of three farmers appointed by the Secretary. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm acreage allotment or marketing quota shall, to the same extent as the county committee, be limited to the establishment of a farm acreage allotment or marketing quota in an amount which, under the Act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment or marketing quota shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations issued by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

Issued at Washington, D. C., this 19th day of October 1953.

[SEAL] M. B. BRASWELL,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 53-8965; Filed, Oct. 20, 1953; 8:53 a. m.]

[7 CFR Part 982]

[Docket No. AO-238-A1 and A2]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were conducted at Abilene, Texas, on March 13 and May 25–26, 1953, pursuant to notices thereof which were issued on March 5 and May 6, 1953 (18 F. R. 1334, 2717). A decision of the Secretary of Agriculture, issued April 7, 1953 (18 F. R. 2031) and subsequent amendment to the order disposed of all issues of the March 13, 1953 hearing with the exception of a proposal for change in the location adjustments to handlers. Testimony, with respect to this and additional proposals, was received at the hearing held May 25–26, 1953, and the evidence with respect to all such proposals was considered in arriving at this decision. Upon the basis of the evidence introduced at the hearings and the record thereof the Assistant Administrator, Production and Marketing Administration, on August 19, 1953, filed with the Hearing Clerk, United States Department of Agriculture his recommended decision and opportunity to file written exceptions thereto, which was published in the FEDERAL REGISTER on August 22, 1953 (18 F. R. 5042).

The material evidence in the records of hearing related to proposals with respect to:

1. Expansion or contraction of the marketing area;
2. Changes in the definitions of "route" and of "approved plant";
3. The level of the Class I price and changes in the location adjustments applicable to the Class I price and to the price to producers;
4. The means of determining the price for Class II milk;
5. The pooling of milk; and
6. Transfers of producer bases.

Findings and conclusions. The following findings and conclusions are made on the basis of the evidence at the hearings and the records thereof:

1. The marketing area should continue to be defined by city boundaries, and the Cities of Albany, Anson, Hamlin, and Rotan should be included in the marketing area. A proposal to exclude from the marketing area the Cities of Big Spring, Colorado City, Lamesa, Midland, and Odessa should not be adopted.

The Central West Texas marketing area is presently defined by the boundaries of 19 cities. Milk received at or distributed from plants located in 7 of these cities, (Abilene, Brownwood, Lamesa, Midland, San Angelo, Stamford and Sweetwater) represents the principal distribution of milk in these cities and in the smaller towns and rural areas intervening between them. In addition to this distribution, milk is sold throughout the area by handlers regulated by the order for the North Texas marketing area, and there are minor sales in a few cities by handlers from Lubbock and Wichita Falls, who are exempt from full regulation of the order so long as each handler's distribution in the marketing area is less than 15 percent of his total Class I sales.

It was proposed that the marketing area be expanded to include all territory within 27 counties in Texas. This proposed marketing area would have included not only all the area intervening between the presently named cities but in addition some areas beyond. It was also proposed to delete from the list of cities presently included in the marketing area the Cities of Big Spring, Colorado City, Lamesa, Midland and Odessa. These five cities are situated farther west than other cities of the marketing area.

In approximately 20 of the 27 counties proposed it is evident that the distribution of milk is predominantly that of Central West Texas handlers and of handlers regulated by the North Texas order. The Class I prices of Central West Texas order is aligned with that of the North Texas order. Further it appears that with the exception of a few cities near the northern boundary of this 20 county area the 19 cities of the marketing area represent the principal centers of urban population and are so located with respect to the smaller towns and rural population that it would be impractical for unregulated handlers to establish business without sales within the defined area. The Cities of Albany in Shackelford County, Anson, and Hamlin in Jones County, and Rotan in Fisher County have a combined population of approximately 12,000 and are located in the areas intervening between the City of Stamford and other cities now included in the marketing area. These cities should be included in the marketing area.

Andrews and Gaines Counties appear to be areas of fringe distribution for Central West Texas handlers, Lubbock handlers and a handler whose plant is located in New Mexico. Stonewall and Haskel Counties appear to be an area of fringe competition with Wichita Falls handlers. A handler whose plant is at Brady in McCulloch County competes with Central West Texas handlers for sales in that county and in Concho County but no justification was offered for extending regulation to these counties or the City of Brady beyond the possibility that the Brady handler might offer higher producer prices in periods of short supply, which could still happen if the handler were subject to regulation. There is no record that any Central West Texas handler sells milk in Borden County.

The proposal to remove the Cities of Big Spring, Colorado City, Lamesa Midland, and Odessa from the marketing area was made by a handler whose plant is located in Midland and was supported by some of the producers supplying this handler. It was contended that these western Texas cities constituted a deficit area which was not an integral part of the area of distribution for milk produced for the remaining cities of the marketing area. These cities contain more than 30 percent of the population of the present marketing area. Less than 15 percent of the producers whose milk is priced under the order are so located that they can deliver their milk to plants in Midland or Lamesa, the only cities of the group in which plants are presently operated, more readily than to plants in other parts of the area. There is, however, a substantial volume of milk which producers are in a posi-

tion to deliver to plants in these cities. For several years one plant in Midland has received a major portion of its supply from producers in the eastern portion of the milkshed. The handler proposing the change discontinued in April certain receipts of producer milk which a cooperative association had arranged to supply his plant from producers in the eastern portion of the milkshed, and imported supplementary milk for Class I use instead. Less than half of this handler's Class I needs are currently being supplied by producer milk. Meanwhile another handler with a plant in Midland continues to use only producer milk for his Class I needs.

There is considerable intermingling of the producers supplying these Midland plants with producers supplying plants in Brownwood, San Angelo, and Abilene. A single producer's association represents all these producers and has taken effective steps to be in position to deliver milk to the plants where it is needed for fluid distribution. To exclude these western cities from the marketing area and thus remove from regulation and from the pool the producer milk supplied to plants in them would reintroduce some of the elements of disorderly marketing which the regulation seeks to correct. The proposal should not be adopted.

2. The definition of "route" should be changed to include all deliveries of specified products to a milk processing plant other than (a) those in bulk, and (b) those in consumer packages in a volume not in excess of that in Class I milk received in exchange from such milk processing plant.

The order presently defines a "route" as any delivery (including any delivery by a vendor or at a plant store) of certain named Class I milk products, other than to a milk processing plant. Plants from which routes are operated in the marketing area are subject to regulation. If such a plant is approved by and under the routine inspection of a health authority other than those of the marketing area, the plant is subject only to partial regulation if the volume of Class I milk disposed of on routes is less than 15 percent of such plant's total disposition of Class I milk.

It was proposed that deliveries to a milk processing plant be included in the route definition unless such deliveries were in bulk. There are, however, some Central West Texas handlers who have certain types of consumer packages of milk custom packaged for them in outside plants, to which they furnish bulk milk and receive packaged milk in return. The allocation provisions of the order recognize this practice and permit the receipts of packaged milk to be deducted from Class I milk to the extent that milk is transferred to the same plant as Class I milk.

Under the present provisions it is possible for a local handler with a small volume of producer milk to distribute the milk processed and packaged by an outside handler, so that such milk will escape regulation. It is concluded that the route definition should be amended to prevent this result. This can be done by restricting the exemption with respect to deliveries to milk processing plants to bulk deliveries and those deliveries of packaged milk which are on an exchange basis.

A proposal to consider a change with respect to the 15 percent limitations in the "approved plant" definition was not supported at the hearing other than to indicate that it was not intended that changes in the marketing area or the route definition should bring into the pool receipts of handlers now subject to only partial regulation. The changes provided for in this decision do not require any change in the "approved plant" definition.

3. The Class I pricing provisions of the order should not be changed.

The present order provides that the Class I price for the Central West Texas marketing area shall be determined by adding a differential to the Class I price under Order No. 43, regulating the handlings of milk in the North Texas marketing area. The resulting price is subject to location adjustments which apply at approved plants at which producer milk is received in accordance with the location of such plants. Similar adjustments are made in blend prices paid producers. Under this zoning arrangement, 15 cents is added to the North Texas Class I price in the Eastern part of the marketing area—commonly referred to as Zone 1, 35 cents in Zone 2 or the Central portion of the marketing area, and 55 cents is added in Zone 3 or the Western portion of the marketing area. A number of proposals were made both to eliminate and to change these differentials.

A substantial volume of milk, which is subject to pricing under the North Texas Order is bottled by North Texas handlers and distributed on routes in a number of cities in the Central West Texas marketing area. This situation prevailed prior to the issuance of the Central West Texas Order. Proponents for lower location adjustments contended that they are losing sales to North Texas handlers and that Class I prices should be reduced in order to improve the competitive position of Central West Texas handlers in the retail and wholesale market.

There are also areas in which there is competition for producers by the Central West Texas handlers and the North Texas handlers since the milksheds of the two areas overlap. The Counties of Hamilton, Erath and Eastland serve as a common source of supply for both areas. Under the present pricing differentials, there has been little or no shifting of producers between the North and Central West Texas areas.

It is generally recognized that conditions surrounding the production of milk, such as rainfall and pasture conditions and availability of mill feeds and roughages tend to become progressively less favorable from the Eastern to the Western portion of the Central West Texas production area. Milk production is more dense in the Eastern portion of the supply area and more milk is produced here than is consumed by the urban population of that area, while the Western area has a deficit. Consequently, the natural movement of milk in the Central West Texas marketing area is westward. In order to make possible the direct movement of milk by producers from the farm or by plants located in the Eastern portion of the production area, it is necessary to provide a somewhat higher level of Class I prices in the Central and Western zones. The additional transportation costs incurred by producers located in the Eastern zone who supply milk to plants located in the Central and Western zones conform very closely with the location differentials provided in the present order. The testimony presented at the hearings affords no basis for changing relative prices in the different zones. There is no evidence of undesirable or uneconomical shifting of producers from handlers in one zone to another which can be attributed to price differentials. In fact the present differentials have contributed to a needed adjustment in the allocation of the available supplies of milk to plants in the different zones in accordance with their needs for Class I sales. Furthermore, since the area, as a whole, does not produce sufficient milk to meet the year-round requirements of the marketing area, the general level of prices for all zones cannot be reduced if production is to be maintained or increased.

Proponents' argument for reduced differentials, on the basis of competition from North Texas handlers, is not convincing. It is apparent from the record that after allowances are made for differences in the location of plants with respect to the various zones in the West Texas marketing area, the prices paid for producer milk utilized for Class I is not less to North Texas distributors than to Central West Texas distributors. The testimony failed to show that milk can be moved in bulk or in bottled form from North Texas plants into the Central West Texas marketing area for less than the Class I price differentials contained in the order. The cost of the raw product in bottled milk represents roughly 60 to 70 percent of the prevailing resale prices. Thus, there are several factors other than the cost of the raw product which affect resale prices and the competitive situation existing in the Central West Texas marketing area. The fact that some handlers may have higher processing or distributing costs than other distributors is not a sound reason to lower prices paid to producers for Class I milk. For these reasons no change should be made in the Class I pricing provisions at this time.

4. The price for Class II milk should be the higher of a formula price determined from the market prices of butter and nonfat dry milk solids or the average of the paying prices of three Texas milk manufacturing plants, except for the months of April, May and June, when the average of the paying prices of these three plants should determine the Class II price. The Class II price is presently the butter-powder formula price. The use of the higher of the two alternative formulas during all months except April, May, and June, and the use of the average paying prices of Texas milk plants during these months, will more nearly reflect the competitive mar-

ket value for Class II milk in the Central West Texas area than the present formula.

Under this provision the Class II price of the Central West Texas order will be identical with that of the North Texas order. Class I prices of the Central West Texas order are determined at a fixed relationship to those of the North Texas market. It appears desirable that the Class II prices should be identical. Producers supported a handler proposal that this be done and no testimony in opposition was offered at the hearing. It is concluded that a better price relationship between the markets will be effected by adoption of the proposal.

5. The proposal to substitute individual handler pooling for the present market-wide pool in distributing returns to producers should not be adopted.

A handler who proposed removal of the western cities from the marketing area and the elimination of a higher Class I price differential which applies in this zone, also proposed that an individual-handler pool be used in determining payments to producers who supply his plant. The adoption of an individual-handler pool can be considered only with respect to its application to producer milk receipts at all plants subject to the regulation.

The Central West Texas area has been a deficit milk production area for several years. As a consequence, many handlers have very little capacity in their plants for handling milk for Class II uses. When seasonal surpluses appear, as occurred to a limited extent during the early spring of 1953, such handlers are not in a position to receive the total milk production of producers who are needed to supply Class I uses at other seasons of the year. Under the present market-wide pool, such milk can be received by handlers with more ample facilities or be diverted to manufacturing plants without reducing blend prices paid to their particular producers in relation to other handlers. It was necessary for the cooperative association to so divert considerable milk when the proponent handler stopped accepting milk of certain producers, during April 1953. These producers whose milk was diverted by the association continued to receive the uniform prices under the order through the market-wide pool. The record indicates that as production declines seasonally, their milk is urgently needed for Class I use in the market. Under the individual handler pool such producers would have been deprived of any share of the Class I sales of the market and would probably have discontinued production of milk. There are few, if any, farmers in this area who produce milk exclusively for manufacturing uses and this indicates that manufacturing prices will not sustain dairy production even if manufacturing outlets were readily available.

The present equalization pool provides for the sharing of the burden of any seasonal reserve supply among all producers. It provides a greater opportunity for the cooperative association to direct milk to plants needing it for Class I use or to temporarily divert reserve supplies not needed for Class I requirements. The association has shown its ability to accomplish these functions. As previously indicated in this decision, the absence of market-wide pooling would reintroduce some of the elements of disorderly marketing which the regulation seeks to correct. Under the conditions existing in this area, a market-wide pool contributes to greater market stability than could be accomplished under an individual handler pool. The present system of pooling should be maintained.

6. No change should be made in the order with respect to the transfer of bases under the base rating plan.

Under the rules of the present base and excess plan, provision is made for the transfer of entire bases only to members of a producers' immediate family, in the event of death, retirement, or entry into military service or in the case of joint holdings to one of the joint holders. Producers and certain handlers propose that provision be made for the transfer of bases under other conditions.

Under the circumstances which bases may now be transferred, it is likely that the conditions surrounding the production of milk from a given enterprise will be changed little, if any, by such transfers. In most instances, herds will be kept intact and will continue under the same or similar management.

The purpose of the base rating plan of payment is to distribute the market proceeds from producer milk during the flush production season to individual producers in accordance with their individual deliveries during the short production season. Provision is made for each producer to establish a new base during the months of October through January of each year. Payment under the plan is made only in the three months of April through June of each year. In the other nine months producers are paid a market-wide uniform price. There are three months between the end of the base operating period and the start of a new base forming period in which producers are in no way affected by the plan. It is concluded, therefore, that the present plan permits a reasonable amount of time during each year for producers to change their operations or cease operation without influence of the base plan. To permit the free transfer of bases, as proposed by some parties, would tend to destroy the effectiveness of the plan and might encourage the trading of bases. Such is not the purpose of the base payment plan. Furthermore, the testimony clearly demonstrates the problems, particularly those of an administrative nature, which would become involved if further provisions were made for base transfers. For these reasons no changes should be made in the rules applying to the transfer of bases at this time.

Rulings. All of the rulings contained in the aforesaid recommended decision are affirmed. Exceptions filed by interested parties were carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions contained herein are inconsistent with the exceptions, the exceptions are denied on the basis of the facts found and stated herein.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of August 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Central West Texas, marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such order as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Central West Texas, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Central West Texas, Marketing Area," and which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 16th day of October 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Central West Texas Marketing Area

§ 982.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Central West Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central West Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 982.6 and substitute therefor the following:

§ 982.6 *Central West Texas marketing area.* "Central West Texas marketing area," hereafter called the marketing area, means all territory within the corporate limits of the following cities, all in the State of Texas.

Albilene.	Hamlin.
Albany.	Lamesa.
Anson.	Midland.
Ballinger.	Odessa.
Big Spring.	Ranger.
Breckenridge.	Rotan.
Brownwood.	San Angelo.
Cisco.	Snyder.
Coleman.	Stamford.
Colorado City.	Sweetwater.
Comanche.	Winters.
Eastland.	

2. Delete § 982.14 and substitute therefor the following:

§ 982.14 *Route.* "Route" means any delivery (including any delivery by a vender or at a plant store) of milk, skim milk, buttermilk, or flavored milk drink other than to a milk processing plant (a) in bulk or (b) in consumer packages in a volume not in excess of that received as Class I milk during the month from such milk processing plant.

3. Delete § 982.51 and substitute therefor the following:

§ 982.51 *Class II milk.* Subject to the provisions of § 982.52 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be the price computed pursuant to paragraph (a) of this section for the months of April, May, and June, and the higher of the prices computed pursuant to paragraphs (a) and (b) of this section for all other months:

(a) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers at the following plants or places for which prices have been reported to the market administrator to the Department:

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

(b) The sum of the plus values computed as follows: (1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

[F. R. Doc. 53-8939; Filed, Oct. 20, 1953; 8:52 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 40]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

NOTICE OF PROPOSED RULE MAKING

On April 13, 1953, the Civil Aeronautics Board adopted a revision of Part 40 which contains major changes in the certification and operation rules applicable to domestic scheduled interstate air carriers. Notice is hereby given that the Administrator contemplates adopting the following rules which relate to Revised Part 40. All interested persons who desire to submit comments and suggestions for consideration in connection with these proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 40.12–1 *Application for air carrier operating certificate (CAA rules which apply to § 40.12)*—(a) *General.* (1) The holder of a certificate of convenience and necessity shall apply to the appropriate regional administrator for an air carrier operating certificate at least 30 days prior to the date proposed for beginning scheduled interstate air transportation within the continental limits of the United States. The application shall be prepared in loose-leaf form, on white paper approximately 8'' x 10½'' in size, and using one side of the sheet only. The application shall be executed by a duly authorized officer or employee of the applicant having knowledge of the matters set forth therein, and shall have attached thereto two copies of the appropriate written authority issued to such officer or employee by the applicant.

(2) Two copies of the application, and of subsequent amendments thereto, shall be filed with the Regional Administrator having jurisdiction over the area in which the principal office of the air carrier is located. When any facility or service directly affecting the operation of the air carrier concerned is furnished by other than the applicant or the Federal Government, at least two copies of the contract or working agreement concerning such facilities or service shall be submitted with the application. In this connection, if formal contracts covering such facilities or service have not been completed, letters showing agreement between the contracting parties will be accepted until copies of the formal contract are obtainable.

(b) *Format of application.* The application shall be in the form of a letter and shall contain the information outlined below:

To: Regional Administrator, Civil Aeronautics Administration.

In accordance with section 604 of the Civil Aeronautics Act of 1938, as amended, and the Civil Air Regulations, application is hereby made for an Air Carrier Operating Certificate.

Give exact name and full post office address of applicant.

Give the name, title and post office address of the official or employee to whom correspondence in regard to the application is to be addressed.

SECTION I. *Operations.* A. State whether the type of service proposed is for the carriage of passengers, goods, or mail, or a particular combination thereof. If the type of service is not the same for each route or portion thereof, specify the type of service for each route or portion of a route.

B. State whether the type of operation proposed is day or night, visual flight rules, instrument or over-the-top, or a particular combination thereof. If the type of operation is not the same for each route or route segment, specify the type of operation for each route or route segment.

SEC. II. *Schedule.* A. Submit a proposed schedule plan (or plans if seasonal changes or differences in equipment are involved) indicating the following:

1. Block to block time and mileage between scheduled stops.
2. Ground time at each intermediate and terminal stop.

B. Specify the basis upon which the proposed schedule has been computed, indicating the following:

1. Cruising speed and altitude.
2. Percentage of horsepower.
3. Direction and velocity of prevailing winds.

SEC. III. *Route.* A. Submit a map suitable for aerial navigation on which are shown the exact geographical track of the proposed routes, and information with respect to terminal and intermediate stops, available landing areas, and radio navigational facilities. This material will be indicated in a manner that will facilitate identification. The applicant may use any method that will clearly distinguish the information, such as different colors, different types of lines, etc. For example, if different colors are used, the identification will be accomplished as follows:

1. Airway routes: Black.
2. Direct routes: Green.
3. Terminal and regular intermediate stops: Orange circle.
4. Alternate landing fields or areas: Purple circle.
5. Other available landing fields or areas: Yellow circle.
6. Indicate the location and normal operating range of all radio navigational facilities to be used in connection with the proposed operation.

B. *Airports.* Furnish the following information with regard to each regular, alternate, refueling, and provisional airport to be used in the conduct of the proposed operation.

1. Name of airport.
2. Location (by coordinates, and by name of nearest city or town, and direction and distance thereto.)
3. Class of airport or landing area (municipal, commercial, military, private or marked auxiliary.)
4. Altitude above sea level.
5. Dimensions in linear feet of landing space available.
6. If hard-surfaced runways are provided, give number, direction, length and width of each and indicate type of surfacing.
7. Obstructions (list adjacent obstructions, giving height and location, or attach appropriate C. G. A. L. charts if available.)
8. Airport lighting (include beacon, auxiliary beacon, boundary lights, floodlights, etc., and any emergency lighting equipment; and by whom operated.)
9. List refueling facilities available.
10. Is airport control tower provided and by whom?
11. Itemize radio navigational facilities provided and indicate the operating agency.
12. Does runway gradient exceed 2%? If so, state gradient.
13. What provisions are made for protection of passengers during loading and unloading at scheduled stop airports?
14. Prevailing winds?
15. Where necessary, are adequate snow removal facilities available?

C. *Weather reporting.* 1. Outline the weather service proposed to be used for dispatching over each route; the source, if other than a United States Weather Bureau Station; list in detail the location and agency in control of stations furnishing reports for each service; the frequency and method of collection and dissemination of weather information. Outline available terminal and route forecasting services, the type of maps and the intervals at which they are made each day.

2. Where it has been determined that additional weather reporting services will be required of the U. S. Weather Bureau for the type of operation involved, the air carrier will apply in writing to the appropriate Weather Bureau Regional Office. The request for the weather reporting services considered essential should be made coincidental with this application to the Civil Aeronautics Administration.

3. For operations within the continental limits of the United States, if other than a U. S. Weather Bureau Station, show proof of U. S. Weather Bureau approval of the service and specify the meteorological facilities available, the number of personnel and the duties of each, such as the making of weather maps, forecasts, observations, etc.

D. *Airway lighting.* List in detail all airway lighting on the routes other than those airway lighting facilities owned and operated by the Civil Aeronautics Administration if application includes request for night VFR operation.

SEC. IV. *Radio facilities*—A. *Communications.* List company radio ground communication facilities installed, proposed to be installed, and those available to, but not owned by applicant, for each route. The expected communication coverage of all MF and HF ground facilities should be provided in map form. In the case of VHF, the expected coverage at exemplary altitudes should be outlined. Aircraft reporting and general change points, and frequencies should be specified either on the maps or as an attachment. (If owned by other than applicant, attach 2 certified copies of operating agreement.) List the following details for each station:

Transmitters. List the following information in regard to each transmitter:

1. Make and model number.
2. Remotely or locally controlled.
3. Types of emission and antenna power for each type of emission.
4. Number of frequency channels provided and actual frequencies in kilocycles proposed to be used.
5. Method of frequency change (quick shift or manual tuning.)
6. Primary power source, voltage, phase, etc., and whether commercial source or locally generated.
7. Auxiliary power source.
8. Functional purpose of transmitter. If transmitter is used for more than one function, list in order of primary and secondary functions as—

a. Radiotelephone plane to ground primary purpose and radiotelephone point to point secondary purpose, or

b. Radiotelephone point to point primary purpose and standby radio-telephone plane to ground secondary purpose, etc.

Receivers. 1. List each receiver by type of model number and state its primary function, i. e., plane-to-ground guard, point-to-point C. W. or point-to-point radiotelephony.

2. List frequency range of each receiver and state which frequencies in each receiver are crystal controlled, if any.

3. Describe receiver installation to show number of receivers locally controlled and number remotely controlled.

B. *Radio navigational facilities.* List each ground radio navigational facility, other than those operated by the United States Government, to be used in the conduct of the proposed operations (if privately owned ground radio navigational facilities are to be used and are owned by other than the applicant, attach two certified copies of the operating agreement pertaining to the use of such facilities). List the following information with respect to each facility:

1. Type of facility, i. e., ILS, GCA, Non-Directional Radio Beacon, L. F. and VHF Radio Ranges, Loran, etc.
2. Estimated effective range (in miles).
3. Coordinates and location with respect to field or landing area.
4. Power supply, i. e., commercial or locally generated.
5. Auxiliary power supply.
6. Operating frequency or frequencies.

C. *Aircraft radio equipment.* List and describe the aircraft radio equipment installed in each aircraft by:

1. Type number.
2. Manufacturer.
3. Frequency range.
4. Operating frequencies.
5. Emergency power supply.
6. Antenna system.

SEC. V. *Weather minimums.* A. Submit in detail the proposed ceiling and visibility limitations for take-off for instrument flight and let-down-through at each regular, alternate, refueling, and provisional airport. Differentiate between daylight and darkness in the listing, and where more than one type of aircraft is to be utilized, and a differential of limitations exists, indicate proposed limitations for each type of aircraft.

B. Submit for each proposed scheduled stop and alternate airport a detailed flight procedure for instrument approach and let-down-through and where specific procedures are necessary because of terrain or traffic conditions, submit a detailed flight procedure for take-off and climb (such procedure should be set up on the basis of the ceiling and visibility minimums proposed.)

C. The above information may be submitted on Forms ACA-511 of the air carrier's proposed operations specifications.

SEC. VI. *Aircraft.* A. List the following information, as applicable, for each aircraft to be used in the proposed operations:

1. The name of the manufacturer.
2. Certification basis and category.
3. Manufacturer's model number.
4. Name of the manufacturer and type number of engines.
5. Name of manufacturer and type number of propellers.
6. N registration number and aircraft designation.
7. Type of service in which aircraft will be used (carriage of persons, property, mail, or combination thereof).
8. Will aircraft be used in regular or reserve service?
9. What type of operation (day, night, visual flight rules, instrument, (over-the-top)) will be conducted with this aircraft?
10. List each route or portion thereof over which this aircraft is to be operated and the maximum gross weight proposed for each route or portion thereof.
11. What is the service ceiling of each type aircraft with one engine inoperative?
12. List and describe installation and location of all lifesaving equipment and emergency supplies carried aboard each aircraft, such as life rafts, life preservers, portable emergency transmitters, Very pistols and emergency rations. (If the same equipment is not carried during all seasons of the year, and on all routes, list and explain the difference.)

SEC. VII. *Maintenance: Aircraft, engines, and accessories.* A. Furnish an organization chart indicating the authority and the duties of the maintenance and inspection personnel employed by the applicant and/or any other person with whom arrangements have been made for the performance of maintenance and inspection functions.

B. Furnish a schedule of overhauls, inspections and checks and the time limitations for such functions which will be performed on each type of aircraft to include the airframes, powerplants, propellers and appliances. The schedule should be sufficiently detailed to indicate all of the overhauls, inspections and checks which will be performed on all components of each type of air carrier aircraft. The schedule should be listed under the following general headings:

1. Aircraft components:
a. Wings.
b. Fuselage.
c. Empennage.
d. Landing gear.
e. Wheels and brakes.
f. Center section (when applicable).
g. Nacelles.
h. Control System.
i. Hydraulic system.
j. Accessories (aircraft).
k. Fuel and oil system (aft of firewall).
l. Fuel tanks.
m. Cabin pressurizing and heating systems.
2. Engine components:
a. Engine.
b. Accessories (engine).
c. Propellers.
d. Fuel and oil system (forward of firewall).
e. Oil tanks.
3. Instruments:
a. Flight instruments.
b. Aircraft and engine instruments.

(If any of the components listed are overhauled on an "on condition" overhaul basis, describe the procedures used to control the continued airworthiness of such components.)

When maintenance functions are performed by outside agencies, copies of the maintenance agreement regarding the extent of such services to be furnished should be attached to the application, as provided for in subparagraph (a) (2) of this section. The agreement should specify that services furnished should conform to the standards approved for the operator, the air carrier operations specifications, aircraft maintenance and complies with all requirements of the Civil Air Regulations.

C. Indicate and define the type of maintenance operations (overhauls, inspections and checks) that will be accomplished at each terminal, intermediate and overnight stop, relative to the following:

1. Disassembly and overhaul of aircraft components, engines, propellers, instruments and accessories (aircraft and engine).
2. Periodic inspection and check of aircraft components, engine, propellers, instruments and accessories (aircraft and engine).
3. Routine inspection of aircraft components, engines, propellers, instruments and accessories (aircraft and engine).
4. Spare part and component replacements at intermediate and overnight stops.
5. Refueling.

D. Indicate the number of certificated, non-certificate airmen (repairmen/mechanics), and helpers, etc., including their company designation (foreman, inspectors, crew chiefs, etc.), located at the main overhaul base and each terminal and intermediate stop.

E. Indicate the distribution of the following items of spare equipment:

1. Aircraft (list quantity, make and model).
2. Engines (list quantity, make and model).
3. Propellers (list quantity, make and model).
4. Instruments (list quantity, make and model).

F. For each terminal, and intermediate stop at which refueling operation will be performed, describe the following:

1. Number, type (elevated or underground) and capacity of each fuel and oil storage tank.
2. List octane ratings of fuels available.
3. List S. A. E. rating or viscosity of oil available.
4. List facilities and methods for the detection and prevention of fuel contamination.
5. Outline method and procedure with reference to recording water checks.
6. Type of covered container used to convey oil from storage tank to aircraft.
7. Outline method and procedure of grounding aircraft in protection of fire.

G. For each terminal and intermediate stop, describe the following facilities.

1. Hangars and/or work docks provided for the protection from the elements for aircraft and personnel performing maintenance operations:
a. Number, size and type.
b. Dimensions and number of square feet available for aircraft storage.
c. Dimensions and number of square feet available for shop space.
d. Dimensions of hangar doors and/or capacity of work docks.
e. Number of largest sized aircraft of applicant which may be housed.
2. Equipment for ground handling of aircraft, as may be required for the proposed operation.
3. Tools, fixtures, test equipment and other necessary shop apparatus necessary for the maintenance operations performed.

SEC. VIII. *Maintenance: Electrical and electronic equipment.* A. Briefly, describe the functional operation of the electrical/electronic maintenance organization, indicating the number and scope of responsibility of supervisory personnel and the number and distribution of qualified mechanics and inspectors. Indicate the number, company designation (foreman, inspectors, lead men, etc.) and location of all certificated airmen (certificated repairmen or certificated mechanics) who are directly in charge of electrical/electronic maintenance activities.

B. Indicate the following with respect to aircraft radio equipment maintenance procedures:

1. Overhaul or bench check periods of aircraft radio equipment and station at which accomplished.
2. Periodic inspection and check periods of aircraft radio equipment and stations at which accomplished.
3. Equipment replacement at intermediate and overnight stops.

C. Indicate whether overhaul, periodic inspection and routine inspection of aircraft electrical equipment are under the jurisdiction of the radio maintenance department or other department such as aircraft, engine or accessories maintenance department.

D. Indicate the following with respect to aircraft electrical equipment procedures:

1. Overhaul or bench check periods of aircraft electrical equipment and stations at which accomplished.
2. Periodic inspection and check periods of aircraft electrical equipment and stations at which accomplished.
3. Routine inspection periods of aircraft electrical equipment and stations at which accomplished.

E. Indicate the distribution of the following items of spare equipment:

1. Radio equipment (list quantity, make and model).
2. Electrical equipment (list quantity, make and model).
3. Other electronic equipment (list quantity, make and model).

F. If "on condition" overhaul of electrical/electronic is utilized, describe the bench check or major inspection procedures used to control performance tolerances and fixed period overhaul of components subject to wear and deterioration as a function of time in service.

(c) *Operations specifications.* The operations specifications proposed by the carrier as required by § 40.18 applicable to the intended operation shall be attached to the letter of application in paragraph (b) of this section for an air carrier operating certificate. (See § 40.18–1.)

§ 40.18–1 *Original issuance and amendment of operations specifications (CAA rules which apply to § 40.18 (a)).*—(a) *Original issuance of operations specifications.* The air carrier's original application for the issuance of operations specifications shall be included with its letter of application for an air carrier operating certificate (see § 40.12–1). Details concerning appropriate forms, number of copies, etc., will be furnished either by the local CAA Air Carrier District Office or by the CAA Regional Office having jurisdiction over the area in which the air carrier will establish its principal operations base.

(b) *Amendment of operations specifications.* Applications to amend operations specifications shall be submitted by the air carrier to the appropriate local Aviation Safety Agent at least 15 days prior to the proposed effective date of such amendment, unless the Aviation Safety Agent approves a shorter filing period. The information required by § 40.12–1 in connection with the original application for an air carrier operating certificate shall, insofar as applicable, be furnished in support of an application to amend an air carrier's operations specifications.

§ 40.18–2 *Form of application for issuance of initial or revised Operations Specifications, Aircraft Maintenance (CAA rules which apply to § 40.18 (a)).* (a) Applications by the air carrier for new or amended Operations Specifications, Aircraft Maintenance, shall be made on Operations Specifications Form ACA–1014. In the case of new operations specifications, the front side of the form shall describe each page of the Operations Specifications, Aircraft Maintenance, proposed by the air carrier to include the page number, aircraft type and nature of contents. In the case of proposed amendments, the front side of the form shall describe the Operations Specifications, Aircraft Maintenance to be amended by page number, aircraft type and effective date. When the proposed amendments involve new content or page numbers, such differences must also be indicated. The reverse side shall be executed as indicated thereon. The proposed new or amended operations specifications pages shall be submitted with the application.

(b) Those pages of the Operations Specifications, Aircraft Maintenance, which contain the list of aircraft components, inspections, checks and overhauls, and time limitations therefor, are to be prepared by the air carrier, using one or both sides of any suitable stand-

ard letter size paper (approximately 8" x 10½"). Such pages should be prepared to permit insertion in a suitable loose-leaf binder. Each page is to be consecutively numbered and identified as an Operations Specification, Aircraft Maintenance. The name of the air carrier and type of aircraft involved must also be identified on each page. The upper right-hand corner of each page must show the effective date of that page, as well as the effective date and page number which was superseded, if any. If an amended page supersedes a page of the same number, only the superseded effective date need be shown. Space should be provided at the bottom of each page for insertion of the following statements and signatures:

(1) Issued effective _____ by _____
(Date issued)
direction the Administrator of Civil Aeronautics.

_____
(Signature of Authorized Representative of the Administrator)

(2) Received _____ for _____.
(Date) (Name of carrier)

_____
(Signature of Authorized Representative of the Administrator)

(c) The air carrier may list the aircraft components and the overhauls, inspections, checks, and time limitations therefor on separate pages in the Operations Specifications, Aircraft Maintenance, or they may be listed together on the same pages. If listed separately, the overhauls, inspections, and checks shall be appropriately and thoroughly identified, by number and/or nomenclature, to include any applicable abbreviations. The list of individual aircraft components will show proper reference to the overhauls, inspections or checks by means of the applicable number, nomenclature or abbreviation thereof. When so listed, it will mean that such components are overhauled, inspected or checked at the times identified in the operations specifications. Such separate listing should minimize the number of operations specifications pages which the air carrier would need to amend should he desire to apply for an amendment to the time limitations for pertinent inspections, checks and/or overhauls which may be applicable to a major portion or all of the aircraft components listed in the operations specifications. This would be particularly advantageous when the carrier desires to amend routine periodic inspections which it wishes to apply to all components of a particular aircraft type.

(d) An original and three copies of the application and attachments must be submitted, the original of the application bearing the signature of a duly authorized representative of the air carrier. Approval or disapproval will be indicated on the original and one copy of the application and attachments which will be returned to the air carrier. The air carrier must, in turn, indicate receipt in the space provided on the copy and return it to the assigned agent. Application for initial time limitations applicable to new aircraft, engines, propellers or appliances, not previously used in air carrier service must receive Washington concurrence prior to final issuance by the CAA regional office and therefore, should be submitted as soon as possible, but not later than 15 days prior to the date that the aircraft or component is to be placed into service.

§ 40.18–3 *Form of application for issuance of initial or revised Operations Specifications, Aircraft Weight and Balance Control. (CAA rules which apply to § 40.18 (a)).* (a) Applications by the air carrier for new or amended Operations Specifications, Aircraft Weight and Balance Control, shall be made on Operations Specifications Form ACA–1014. In the case of new operations specifications, the front side of the form shall identify each page of the Operations Specifications, Aircraft Weight and Balance Control proposed by the air carrier to include page number, aircraft type and section title or nature of contents. For proposed amendments, the front side of the form shall describe the Operations Specifications, Aircraft Weight and Balance Control to be amended by page number, aircraft type and effective date. When the proposed amendments involve revised title or page numbers, such revisions must also be indicated. The reverse side shall be executed as indicated thereon. The proposed new or amended operations specifications pages shall be submitted attached to the application.

(b) Those pages of the Operations Specifications, Aircraft Weight and Balance Control which contain the detailed procedures, and limitations, are to be prepared by the air carrier using one or both sides of any suitable standard letter-size paper (approximately 8" x 10½"). Such pages should be prepared to permit insertion in a suitable loose-leaf binder. Each page is to be consecutively numbered and identified as an Operations Specification, Aircraft Weight and Balance Control. The name of the air carrier and the type of aircraft involved must also be identified on each page. The upper right-hand corner of each page must show the effective date of that page as well as the effective date and page number which was superseded, if any. If an amended page supersedes a page of the same number, only the superseded effective date need be shown. Space should be provided at the bottom of each page for insertion of the following statements and signatures:

Issued effective _____ by direction
(Date)
of the Administrator of Civil Aeronautics

_____
(Authorized Representative of the Administrator)

Received _____ for _____.
(Date) (Name of air carrier)

_____
(Authorized Representative of the Air Carrier)

_____
(Title)

(c) The Operations Specifications, Aircraft Weight and Balance Control may combine weight control procedures common to more than one aircraft or they may separate weight and balance procedures specifically adapted to a particular aircraft type and model.

(d) An original and three copies of the application and attachments must be submitted, the original of the application bearing the signature of a duly authorized representative of the air carrier. Approval or disapproval of the carrier's application will be indicated on the original and one copy of the application and attachments which will be returned to the air carrier. The air carrier must, in turn, indicate receipt in space provided on the copy and return it to the assigned agent. Application for weight and balance control procedures applicable to new aircraft to be operated by the air carrier should be submitted as soon as possible, but not later than 15 days prior to the date that the aircraft is to be placed into service.

§ 40.51–1 *Applicability of Part 18 to § 40.51 (CAA rules which apply to §§ 40.51 (a) 15, 16, 17, 18 and 19).* Under the provisions of § 18.30 of this subchapter, all maintenance, repairs and alterations to air carrier aircraft shall be accomplished in accordance with the methods, techniques and practices approved by or acceptable to the Administrator. The criteria set forth in paragraphs (a) to (e) of this section will be used by the Administrator in determining the acceptability of the provisions in the air carrier's manual which set forth the methods, techniques and procedures whereby the air carrier will accomplish his approved maintenance system.

(a) *Instructions and procedures for maintenance, repair, overhaul, and servicing.* The air carrier manual will contain appropriate instructions to maintenance personnel clearly outlining procedures designed to maintain aircraft in a state of continuous airworthiness with respect to the operations specifications, the provisions of this subchapter and standard accepted practices. The instructions will be of such scope so as to prevent any deficiencies in airworthiness resulting from erroneous or deficient information. The manual will contain instructions for the replacement or repair of any required aircraft component which becomes unserviceable en route which will guide the air carrier's maintenance personnel in such functions. Such instructions must be consistent with and fully complement the instructions required by § 40.51 (a) (5).

(b) *Time limitations for overhaul, inspection, and checks, of airframes, engines, propellers, and appliances, and standards by which such time limitations shall be determined.* The manual will contain all time limitations for overhaul, inspection and checks of airframes, engines, propellers and appliances which are set forth in the operations specifications, aircraft maintenance standards to determine such time limitations or special programs, such as the block overhaul system, sampling inspection and overhaul system and any other aircraft maintenance program, which differs from the fixed period overhaul, inspection and check system will be defined in a manner which clearly states all techniques, methods and procedures by which the air carrier will use such standards.

(c) *Procedures for refueling airplanes, elimination of fuel contamination,* pro-

tection from fire including electrostatic protection and the supervision and protection of passengers during refueling. The manual shall contain adequate procedures which will govern the operations incident to refueling of air carrier aircraft. Instructions should encompass but should not necessarily be limited to the following:

(1) Procedures and instructions governing water checks and inspections at such intervals that will assure the delivery of uncontaminated fuel to air carrier aircraft.

(2) Precautions to prevent the entrance of moisture in aircraft fuel tanks and dispensing equipment during rain or snow conditions.

(3) Procedures for safeguarding aircraft and passengers against the fire hazards attendant to static electricity during refueling. The standards and recommended good practices, as established by the National Fire Protection Association Committee on Aviation and Airport Fire Protection, sets forth acceptable methods in this regard.

(4) Means of providing adequate lighting at night to assure proper servicing.

(5) Procedures to prevent smoking or fires in the vicinity of the aircraft during refueling.

(6) Provisions to assure sufficient number of extinguishers are readily available during refueling operations.

(7) Procedures concerning the use of the aircraft electrical equipment during periods of refueling.

(8) Procedures to be used when passengers are to be permitted to remain in the passenger cabin during refueling operations.

(d) *Inspections for airworthiness, including instructions covering procedures, standards, responsibilties, and authority of the inspection personnel.* The manual shall contain complete instructions with respect to the duties, responsibilities, and authority of inspection personnel in all phases of inspection and will outline the standards and procedures to be followed with respect to inspection for airworthiness for airframes, engines, propellers, and appliances.

(e) *Methods and procedures for maintaining the airplane weight and center of gravity within approved limits.* The manual shall contain such instructions and procedures as are necessary to assure that all aircraft utilized by the air carrier will be properly loaded with respect to the weight and center of gravity limitations as approved by the Administrator. Should the air carrier so choose, the entire weight control section of the operations specifications, or any section thereof, may be included in this manual section as necessary, to provide complete information on weight and CG control in scheduled operation.

§ 40.70–1 *Deviations (CAA rules which apply to § 40.70 (a)).* An application for any deviation shall include all supporting data and shall be forwarded to the CAA Aviation Safety District Office charged with the over-all inspection of the air carrier's operations.

§ 40.90–1 *Performance data (CAA rules which apply to § 40.90).* Performance data published by the Administrator to determine performance requirements in relation to the airports to be used and the areas to be traversed are set forth in figures 1 through 10,[1] and paragraph (b) of this section. For the purpose of determining performance data, figures 1, 3, and 6, "paved runway" shall mean paved with asphalt or concrete. Figures 2, 4, and 7 shall be used for all other runway surfaces, except in individual cases where the Administrator finds that a particular runway surface justifies the use of the paved runway data or a specific correction factor. Data based on flight tests conducted under the supervision of CAA Aircraft Engineering Division and approved by the Administrator may be used in lieu of the published data. An application for any deviation shall include all supporting data and shall be forwarded to the CAA Aviation Safety District Office charged with the over-all inspection of the air carriers' operations.

Example 1. Figure 8 is used in the following manner: (a) Determine the wind velocity and wind angle relative to the runway. (In the example illustrated in figure 8, for Runway 27, and a wind from WNW at 25 m. p .h., the relative wind angle is 22°.)

(b) Enter the chart with the above information at point A.

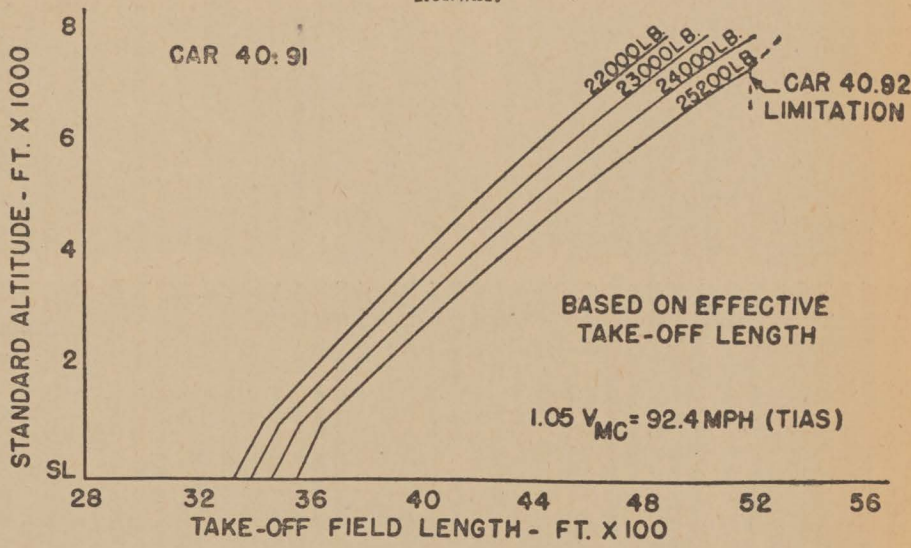
[1] The charts are presented in graph form for selected values. Other values may be determined by interpolation or extrapolation, provided the operating and structural limitations are not exceeded. The following examples are given to explain the use of figures 1 through 10:

(c) Enter chart at point B using the existing effective runway length and project a line horizontally.

(d) Project a vertical line from point A to intersect line from point B.

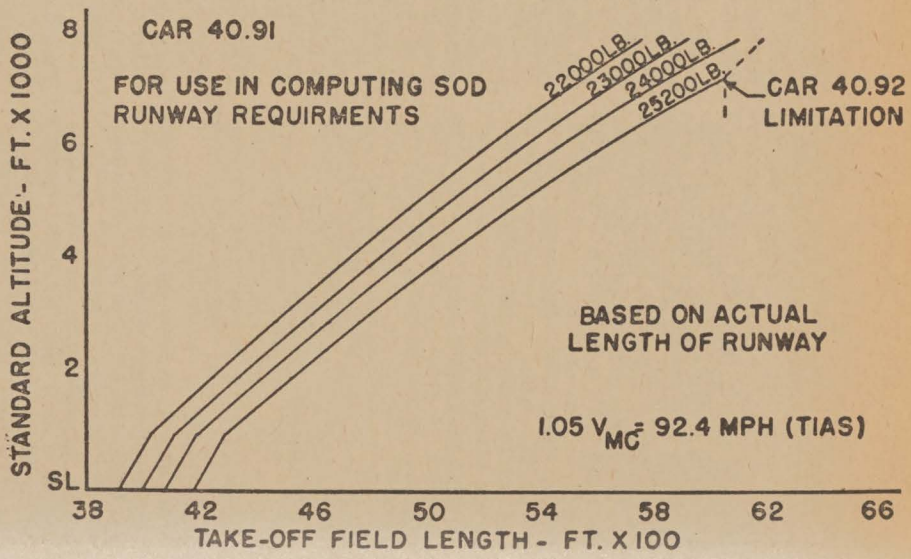
(e) At point C, the intersection of these two lines, read the effective runway length available for zero wind. This figure, after being corrected for runway gradient, is used with the appropriate take-off or landing chart to determine the maximum permissable gross weight. It should be noted that a reverse of this procedure will furnish information on the actual runway required if the

FIGURE 1—DC–3* G–102, TAKE-OFF LIMITATIONS—ZERO WIND, ZERO GRADIENT AND PAVED RUNWAY.



*C–47's with comparable horsepower engines.

FIGURE 2—ZERO WIND AND ZERO GRADIENT.



zero wind runway required is known for a given gross weight.

(f) By projecting a line horizontally from point A to point D, the crosswind component can be determined.

Example 2. Operating conditions for take-off:

Aircraft = DC-3 S1C3G.
Airport = Elevation = 4,000'.
Effective runway length = 3,300 feet (paved).
Runway gradient = +1.2 percent.

The equivalent runway length due to gradient =

$$S = \frac{SG}{\left[1+\left(\frac{S_G g 2 \sin \alpha}{V_2^2}\right)\right]}$$

$$= 1+\frac{3{,}300}{\frac{(3{,}300\times 32.2\times 2\times .012)}{(98\times 1.467)^2}}$$

$$= 2{,}938 \text{ feet.}$$

Due to the positive, or uphill, gradient effect, the zero gradient runway length is 2,938 feet. This figure, versus the airport elevation is used with figure 3 to determine the allowable gross weight for take-off. It will be noted that this runway length/airport elevation combination is outside the range of values plotted on the chart. Therefore, under a zero wind condition, operations from the runway in question would be impracticable due to the weight restriction.

If a 25 m. p. h. headwind component exists, the use of figure 8 indicates a zero wind runway length of 3,800 feet. This figure is predicated on $1.05V_{mc}$=92 m. p. h. Since figure 10 indicates $1.05V_{mc}$(92 m. p. h. TIAS) = 97.6 m. p. h. TAS (use 98) at an elevation of 4,000 feet, the distance of 3,800 feet must be multiplied by a correction factor from figure 9. The factor in this example, (25 m. p. h. headwind component and $1.05V_{mc}$=98 m. p. h. TAS), is 1.018 giving a corrected zero wind runway distance of 3,800 feet × 1.018 = 3,868 feet. By referring to figure 3, it is found that this zero wind runway length will permit a take-off at a weight of 24,200 pounds.

If the take-off was to be made in the opposite direction, the benefit of the downhill gradient on the accelerate distance would result in a zero gradient runway length of 3,770 feet. This would permit a take-off at a weight of 24,200 pounds, with zero wind. Figure 3 indicates that 3,970 feet of runway is required to permit take-off at a maximum gross weight of 25,200 pounds. Figure 8 indicates that a headwind component of 3 m. p. h. will give the desired zero wind runway length of 3,970 feet to permit take-off at the maximum gross weight.

Example 3. Operating conditions for landing: Same as in example 2, except that § 40.93 does not require consideration of gradient in detailing the landing limitations.

Referring to figure 6, we find that a 3,300-foot paved runway at an elevation of 4,000 feet, permits a landing gross weight of 22,600 pounds, in a zero wind condition. If a 25 m. p. h. headwind component is forecast, we find by reference to figure 8 that the zero wind runway length becomes 4,300 feet. In this example, the distance of 4,300 feet is predicated on $1.3V_{s_0}$=92 m. p. h. Therefore, by reference, figure 10, $1.3V_{s_0}$ is found to be 98 m. p. h. at 4,000 feet and by reference to figure 9, it is found that the correction factor is 1.018, resulting in a zero wind runway length of 4,300 × 1.018 = 4,377 feet. Figure 6 indicates that this zero wind runway length will permit landing at the maximum gross weight.

§ 40.91–1 *Take-off limitations (CAA rules which apply to § 40.91).* (a) Figures 1, 2, 3, 4, 8, 9, and 10 shall be used in determining take-off limitations.

(b) If the gradient of the runway exceeds ½ percent, the effect of the total gradient shall be accounted for. The effect of gradient may be calculated from the following formula, or other methods by which the effects of gradient can be accurately computed:

$$S_G = S\left[\frac{1}{1-\left(\frac{2Sg\sin\alpha}{V_2^2}\right)}\right]$$

Where:

S_G = length of ground run with gradient (required or available).
S = length of ground run without gradient (required or available).
g = acceleration of gravity = 32.2 (ft/sec²).
V_2 = climb out speed, feet per second, true air speed.
α = angle of grade with horizontal, uphill +, downhill −.

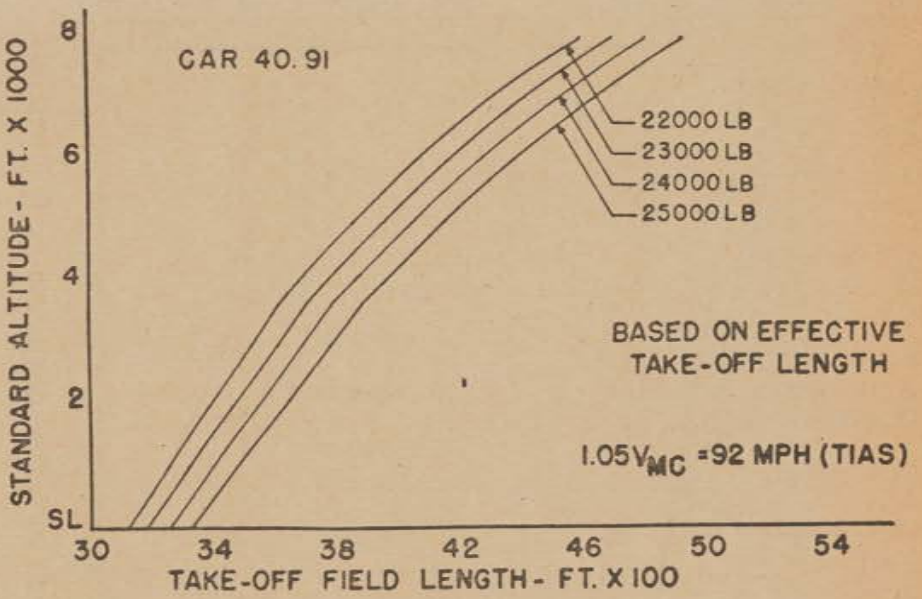
Where runways with gradient are of such length that the gross weight would be reduced, the following equation will be more useful in determining the zero gradient runway length to be used in determining the permissible gross weight from figures 1, 2, 3, and 4:

$$S = \frac{S_G}{1+\left(\frac{S_G g 2 \sin \alpha}{V_2^2}\right)}$$

Where:

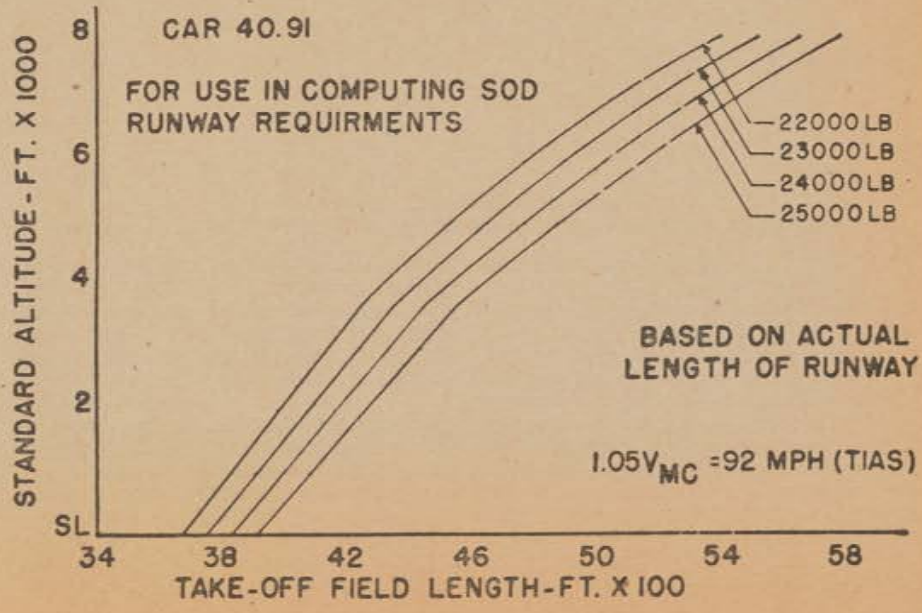
S_G = effective runway length available.
S = equivalent runway length due to gradient.
g = acceleration of gravity = 32.2 (ft/sec²).
V_2 = climb out speed, feet per second, true air speed.
α = angle of grade with horizontal, uphill +, downhill −.

FIGURE 3—DC-3* SIC3G, G-202A, TAKE-OFF LIMITATIONS—ZERO WIND, ZERO GRADIENT AND PAVED RUNWAY.



*C-47's with comparable horsepower engines.

FIGURE 4—ZERO WIND AND ZERO GRADIENT.



(c) The maximum allowable take-off weight from sod runways shall be the lesser gross weight as determined by application of the effective length to the appropriate take-off table (fig. 1 or 3) and by application of the actual runway length to the corresponding take-off table (fig. 2 or 4). Figures 1 and 3 are used to determine the maximum allowable gross weight which will permit the aircraft to take off within the effective runway length, while figures 2 and 4 are used to determine the maximum allowable gross weight which will permit the particular aircraft to be accelerated and brought to a full stop within the actual length of available runway.

§ 40.92–1 *En route limitations (CAA rules which apply to § 40.94).* Figure 5 shall be used in determining the en route limitations. An application for approval of "drift-down" procedures shall include all supporting data. The application will be forwarded to the CAA Aviation Safety District Office charged with the over-all inspection of the air carrier's operations.

§ 40.93–1 *Landing distance limitations (CAA rules which apply to § 40.93).* (a) Figures 6, 8, 9, and 10 shall be used in determining landing distance limitations on paved runways.

(b) Figures 7, 8, 9, and 10 shall be used in determining landing distance limitations on sod runways.

§ 40.170–1 *Approval of aircraft instruments and equipment for all operations (CAA rules which apply to § 40.170 (a)).* Instruments and equipment specified in §§ 40.171, 40.172 and 40.230 through 40.232 will be approved in accordance with one or more of the following methods:

(a) Instruments and equipment which are accepted as part of the aircraft on original certification.

(b) Instruments and equipment manufactured in accordance with (TSO) Technical Standard Orders and installed in accordance with approved repair and alteration procedures or on original aircraft certification.

(c) Instruments and equipment manufactured in accordance with a (CAATC) Type Certificate and installed on original aircraft certification or subsequent repair and alteration approval.

(d) Instruments and equipment approved by the Administrator in accordance with standard repair and alteration procedure.

§ 40.205–1 *Requirement of protective breathing equipment in nonpressurized cabin airplanes (CAA rules which apply to § 40.205 (b)).* Protective breathing equipment for the flight crew shall be required in nonpressurized cabin airplanes having built-in carbon dioxide fire extinguisher systems in fuselage compartments (for example, cargo or combustion heater compartments); except that protective breathing equipment will not be required where:

(a) Not more than five pounds of carbon dioxide will be discharged into any one such compartment in accordance with established fire control procedures, or

(b) The carbon dioxide concentration at the flight crew stations has been determined in accordance with CAM 4b.484–1 and found to be less than 3 percent by volume (corrected to standard sea-level conditions).

§ 40.302–1 *Pilot check—proficiency requirements (CAA rules which apply to § 40.302 (b)).* The following items are required by the Administrator to determine the proficiency of the pilot-in-command:

(a) *Equipment examination (oral or written).* (1) The equipment examination should be pertinent to the type of aircraft to be flown by the pilot-in-command and may be given (i) in the air carrier's ground school, (ii) during a routine line check under the supervision of an authorized company check pilot, or (iii) during the proficiency check.

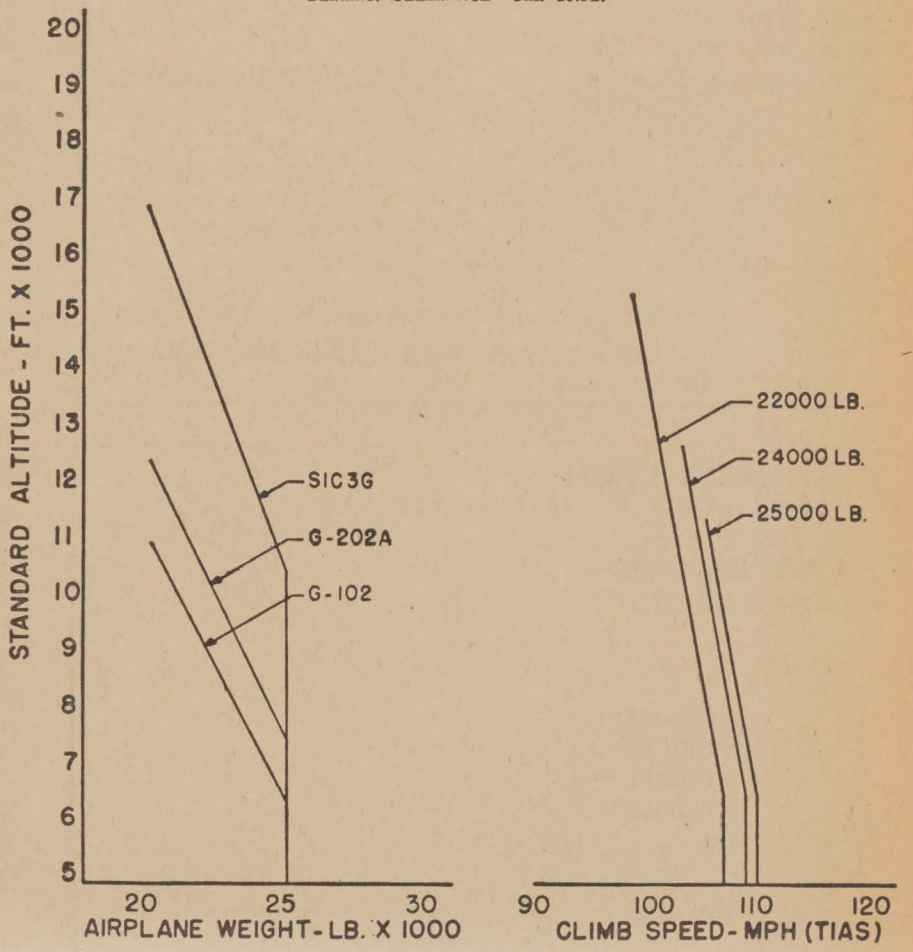
(2) The examination should at least contain questions relative to engine power settings, airplane placard speeds, critical engine failure speeds, control systems, fuel and lubrication systems, propeller and supercharger operations, hydraulic systems, electric systems, anticing, heating and ventilating, and pressurization system (if pressurized.) A record should be maintained in the pilot's file which will indicate the date, condition under which equipment examination was given, and grade received.

(b) *Taxiing, sailing, or docking.* Attention shall be directed to the manner in which the pilot-in-command conducts taxiing, sailing, or docking with reference to the taxi instruction as issued by airport traffic control or other traffic control agency, and taxi instruction which may be published in the air carrier's operations manual, and general regard for the safety of the air carrier's and other equipment which may be affected by taxiing, sailing, or docking operation.

(c) *Run-up.* Attention to detail in the use of cockpit check list and cockpit procedure shall be observed on all proficiency flights.

(d) *Take-off.* For those air carriers authorized take-off minimums of less than 300–1, the pilot being examined shall whenever practicable execute a take-off solely by reference to instruments, or at the option of the check pilot, a contact take-off may be made following which instrument conditions shall be simulated at or before reaching 100 feet with the subsequent climb conducted solely by reference to instruments. The check pilot shall observe the pilot's ability to maintain a constant heading during the take-off run, his proficiency in handling power, flap and gear operation during the critical period between take-off (off ground) and reaching five hundred feet. Should it become necessary for the check pilot to give assistance after becoming airborne, the maneuver shall be considered as unsatisfactory.

FIGURE 5—DC–3* SIC3G, G–202A, G–102, EN ROUTE LIMITATIONS—ONE ENGINE INOPERATIVE TERRAIN CLEARANCE—CAR 40.92.



*C–47's with comparable horsepower engines.

(e) *Climbs and climbing turns.* Climbs and climbing turns shall be performed in accordance with the airspeeds and power settings as prescribed by the air carrier or those set forth in the "Airplane Flight Manual." The use of proper climb speeds and designated rates of climb shall be considered in determining the satisfactory performance of this phase of the proficiency flight.

(f) *Steep turns.* Except as provided hereinafter, steep turns shall consist of at least forty-five degrees of bank. The turns shall be at least 180° of duration, (but need not be more than 360°.) Smooth control application, and ability to maneuver aircraft within prescribed limits, shall be the primary basis for judging performance. When information is available on the relation of increase of stall speeds vs. increase in angle of bank, such information shall be reviewed and discussed. As a guide, the tolerance of 100 feet plus or minus a given altitude shall be considered as acceptable deviation in the performance of steep turns. Consideration may be given to factors other than pilot proficiency which might make compliance with the above tolerances impractical. For example, where the range of vision from the safety observer's position is obstructed in certain types of aircraft while in a steep left turn, the degree of left bank in such instances may be reduced to not less than thirty degrees.

(g) *Maneuvers (minimum speeds.)* Maneuvers at minimum speeds shall be accomplished while using the prescribed flap settings as set forth in the Airplane Flight Manual. In addition, attention shall be directed to airplane performance as related to use of flaps vs. clean configuration while operating at minimum speeds. Attention shall be directed towards the pilot's ability to recognize and hold minimum controllable airspeed to maintain altitude and heading, and to avoid unintentional approaches to stalls.

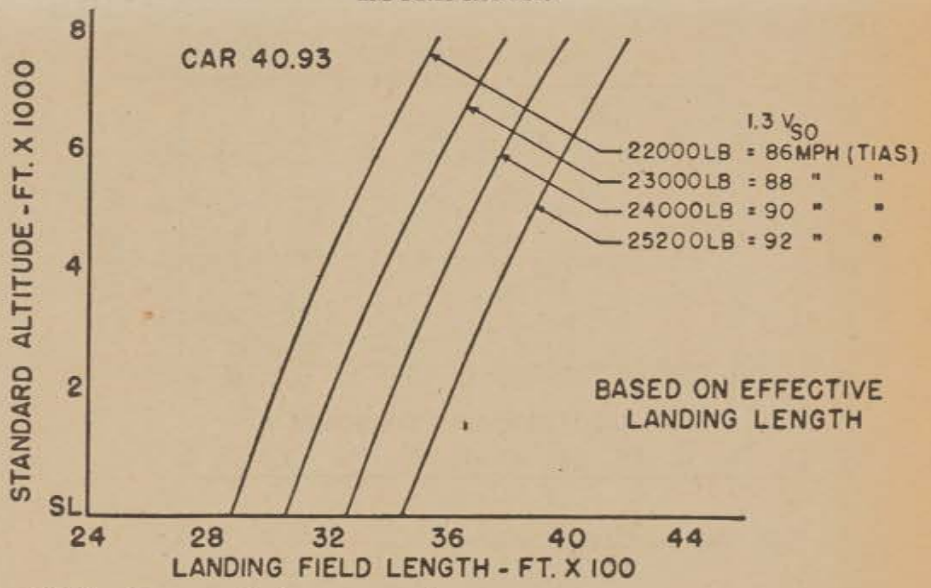
(h) *Approach to stalls.* Approach to stalls shall be demonstrated from straight flight and turns, with and without power. An approach to stall shall be executed in landing or approach configuration. The extent to which the approach to stall will be carried and the method of recovery utilized shall be dictated by (1) the type of aircraft being flown, (2) its reaction to stall conditions, and (3) the limitation established by the air carrier. Performance shall be judged on ability to recognize the approaching stall, prompt action in initiating recovery, and prompt execution of proper recovery procedure for the particular make and model of aircraft involved.

(i) *Propeller feathering.* Propeller feathering or the assimilation thereof shall be accomplished in accordance with instructions set forth by the air carrier and be exercised at sufficient altitude to insure adequate safety for the performance of the operation. The pilot's ability to maintain altitude, directional control, and satisfactory airspeed shall be the desired prerequisites in accomplishing this maneuver. The manner in which the pilot manages his cockpit during propeller feathering shall also be noted.

(j) *Maneuvers (one or more engines out.)* When performing maneuvers (one or more engines out) the aircraft shall be maneuvered with a loss of fifty percent of its power units, such loss to be concentrated on one side of the aircraft. The loss of these power units may be simulated either by retarding throttles or by following approved feathering procedures. The pilot-in-command shall be required to maintain headings and altitude and to make moderate turns both toward and away from the dead engine or engines. Proficiency shall be judged on the basis of the pilot's ability to maintain engine-out airspeed, heading and altitude; to trim the airplane; and to adjust necessary power settings.

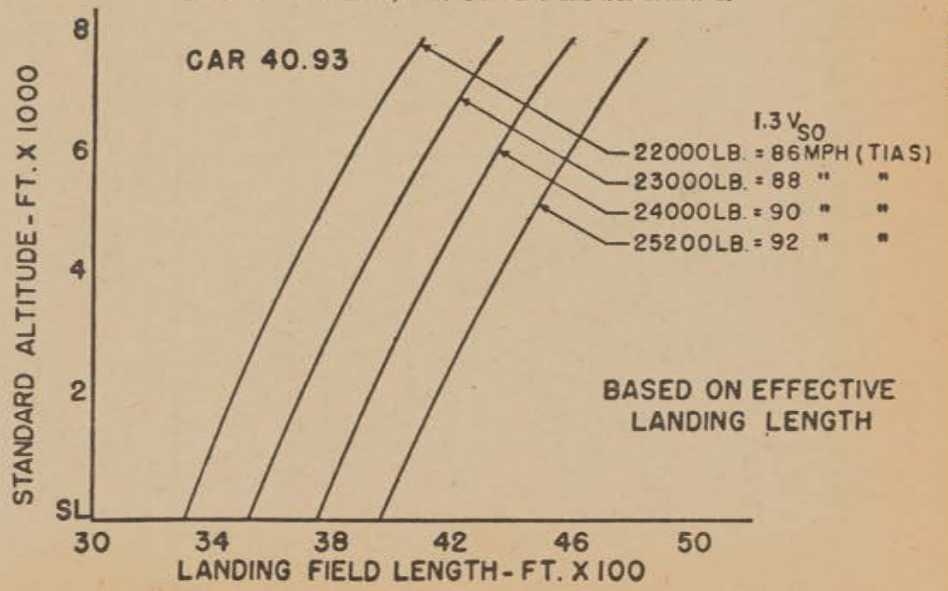
(k) *Rapid descent and pull-out.* This maneuver shall consist of the following steps: While the aircraft is in the appropriate holding approach configuration and being flown at a predetermined altitude, it will be assumed that the aircraft has arrived at a navigational fix and is cleared to descend immediately to a lower altitude. (The lower altitude shall be one which permits a descent of at least 1,000 feet.) Upon reaching the lower altitude, the aircraft shall be recovered from the rapid descent and flown on a predetermined heading and altitude for a predetermined period of time. At the end of the time interval, an emer-

FIGURE 6—DC-3* SIC3G, G-202A, G-102, LANDING LIMITATIONS—ZERO WIND, ZERO GRADIENT AND PAVED RUNWAY.



*C-47's with comparable horsepower engines.

FIGURE 7—ZERO WIND, ZERO GRADIENT AND SOD RUNWAY.



gency pull-out shall be executed which will involve a change of direction of at least 180°. Performance shall be judged on the basis of ability to establish a rapid descent at constant airspeed, stopping the descent at the minimum altitude specified without going below it, holding heading and altitude, and smooth pull-up and climb.

(l) *Ability to tune radio.*[1]

(m) *Orientation.*[1]

(n) *Beam bracketing.*[1]

(o) *Cone identification.*[1]

(p) *Loop orientation.*[1]

(q) *Approach procedures.* An approach procedure shall be made in the aircraft on the let-down aid for which the lowest minimums on a system-wide basis are authorized and include, where possible, holding patterns and air traffic control instructions which might be used by the pilot in day-to-day operations. If at the time of the proficiency flight the let-down aid affording the lowest minimums is not in operation at the point the check is given, the landing aid which affords the next lowest minimums on a system-wide basis shall be used. Where a particular air carrier is authorized landing minimums based on instrument landing systems and ground control approach, the predominant landing aid on a system-wide basis shall be utilized. In some cases a particular air carrier may be authorized its lowest landing minimums on a let-down aid which is not installed and operating at locations where the air carrier's pilots are based. It shall be the responsibility of the air carrier in this case to conduct proficiency flights at locations where such an aid is installed and operating. All other approaches which a particular operator may be authorized to use, such as ADF, LF/MR range, VOR, and VAR shall be made and may be conducted in a simulator or other approved type trainer. A record shall be maintained in the pilot's file which will indicate the date that these approaches were performed and the grade received. If these approaches (ADF, LF/MR range, VOR, and VAR) are not performed in a simulator or other approved type trainer, they shall be accomplished on the proficiency flight.

(r) *Missed approach procedures.* (See paragraph (s) of this section.)

(s) *Traffic control procedures.* Missed approach procedures and traffic control procedures shall be accomplished in a manner satisfactory to the authorized check pilot. The degree of satisfactory or unsatisfactory performance shall be predicated on the pilot's ability to (1) maneuver the aircraft while performing these procedures, (2) follow instructions either verbal or written which may be pertinent to the accomplishment of these procedures. Procedures set forth in paragraphs (r) and (s) of this section may be accomplished while performing the procedures set forth in paragraph (q) of this section.

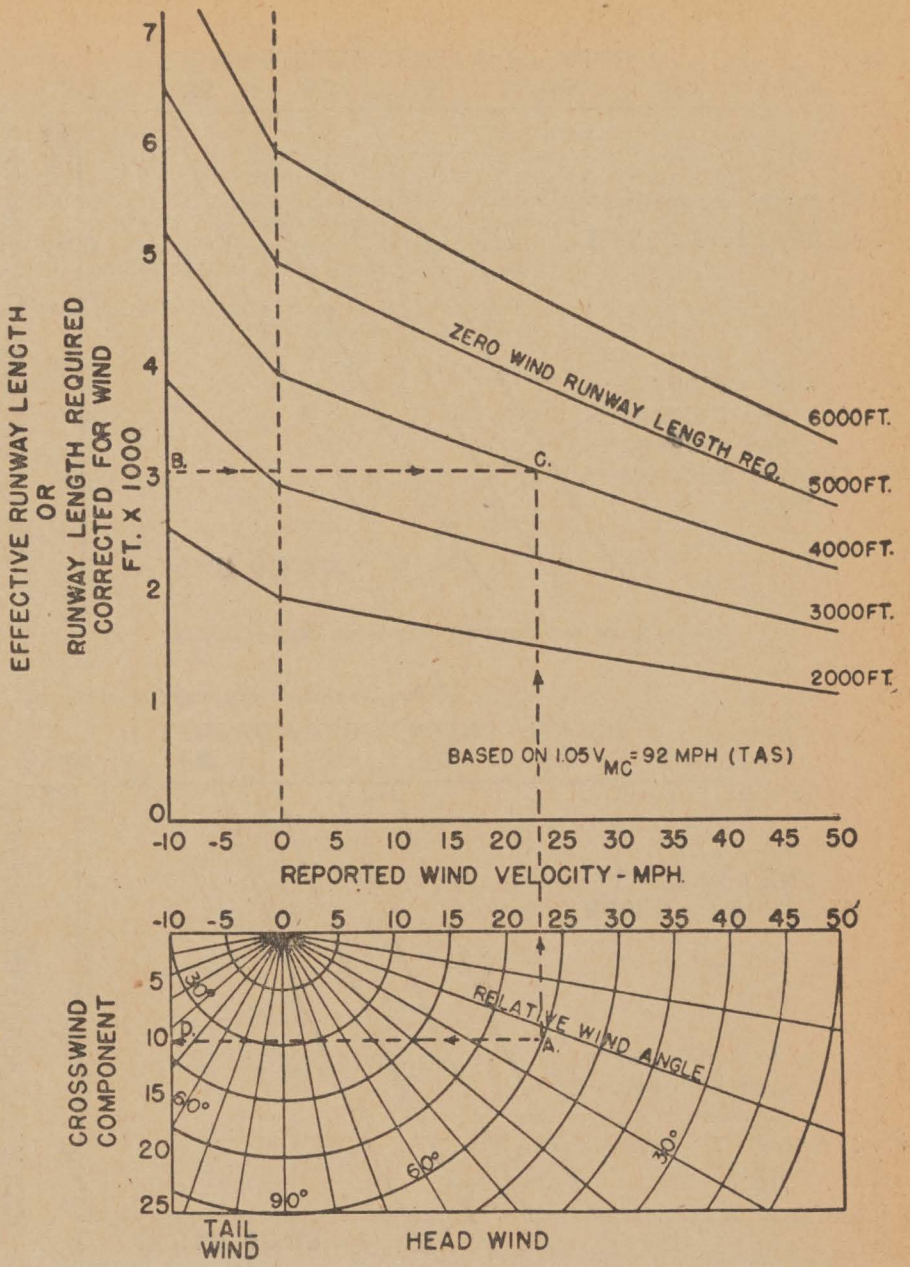
(t) *Cross-wind landing.* A cross-wind landing shall be performed when practicable. Traffic conditions and wind velocities will dictate as to whether a cross-wind landing is practicable. Performance shall be judged on the technique used in correcting for drift on final approach, judgment in the use of flaps, and directional control during roll-out.

(u) *Landing under circling approach conditions.* Landing under circling approach conditions shall necessitate a path of flight around the landing area which will require not more than a 180° turn but not less than a 90° turn. The pilot shall be judged on the basis of altitude and airspeed control and his ability to maneuver under the minimum ceiling and visibility conditions prescribed.

(v) *Take-offs and landing (with engine(s) failures).* If it is consistent with safety, traffic patterns, local rules and laws, a simulated engine failure shall be experienced during take-off. The simulated failure shall occur at any time after the aircraft has passed the V_1 speed pertinent to the particular take-off and when practicable before reaching 300 feet. When performing the landing, the aircraft shall be maneuvered to a landing while utilizing 50 percent of the available power units. The simulated loss of power shall be concentrated on one side of the aircraft. The pilot's ability to satisfactorily perform this maneuver

[1] Paragraphs (l), (m), (n), (o), and (p) of this section shall be accomplished in a satisfactory manner either during (1) a routine line check under the supervision of an authorized company check pilot, (2) in a simulated or synthetic trainer, or (3) during the proficiency flight. A record shall be maintained in the pilot's file which shall indicate the date, method utilized, and grade received in the performance of these items.

FIGURE 8—WIND ACCOUNTABILITY CHART FOR TAKE-OFF AND LANDING RUNWAY LENGTHS (REVISED SEPT. 1, 1953).



NOTE: For speeds other than 92 m. p. h. (TAS) multiply distance obtained by correction factor from figure 9.

shall be evaluated in the manner stated under paragraph (i) of this section.

(w) *Judgment.* The pilot shall demonstrate judgment commensurate with experience required of a pilot-in-command of air carrier aircraft.

(x) *Emergency procedures.* The emergency procedures shall be applicable to the type of aircraft being flown and in accordance with the emergency procedures prescribed by the air carrier. A record shall be maintained in the pilot's file which will list the emergency procedures accomplished, date performed, and grade received.

(y) *Additional training.* If performance of any of the above items is unsatisfactory in the judgment of the check pilot he may, at his discretion, give additional training to the pilot during the course of the proficiency check. If after such training, the pilot being checked is still unable to demonstrate satisfactory performance to the check pilot, he shall not be used in scheduled operation until such time as he shall have demonstrated proficiency.

§ 40.406–1 *Take-off and landing weather minimums (CAA rule which applies to § 40.406 (b)).* Whenever the latest U. S. Weather Bureau weather report contains a visibility value specified as a runway visibility for a particular runway of an airport, such visibility shall be used for straight-in instrument approach and landing or take-off for that runway only. The terminal visibility as reported in the main body of the hourly or special sequence weather report shall be used for instrument approach and landing or take-off for all other runways.

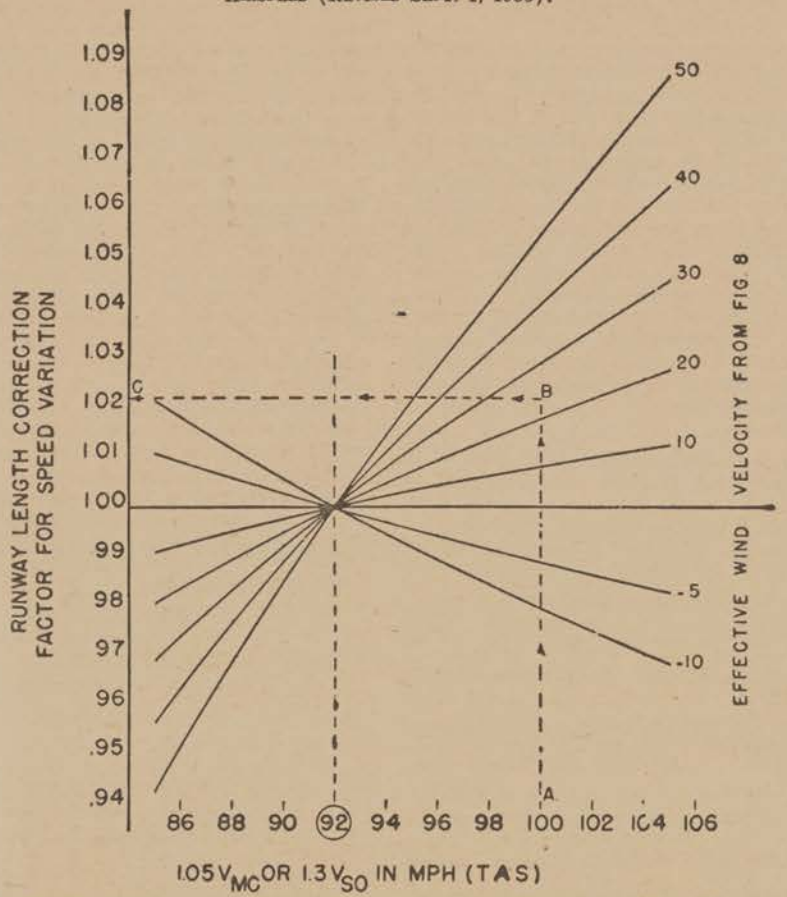
The ceiling value reported in the main body of the hourly or special sequence weather report shall constitute the ceiling for both circling and straight-in instrument approach and landing or take-off for all runways.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 608, 52 Stat. 1007, 1010, 1011; 49 U. S. C. 551, 554, 555, 558)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-8863; Filed, Oct. 20, 1953; 8:45 a. m.]

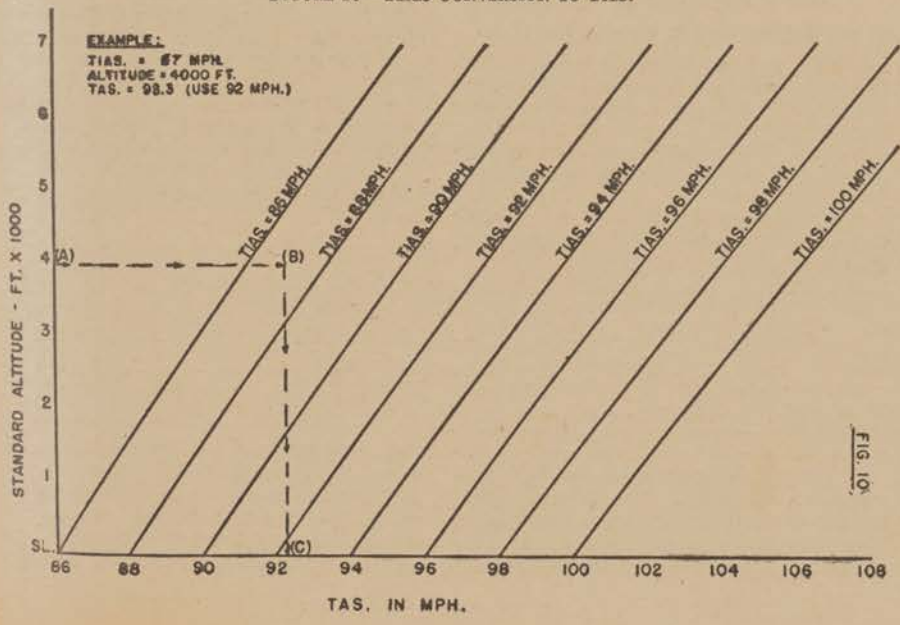
FIGURE 9—TAKE-OFF AND LANDING RUNWAY LENGTH CORRECTION FACTORS FOR VARIATIONS IN AIRSPEED (REVISED SEPT. 1, 1953).



NOTE: To be used only in conjunction with values obtained from figure 8.

Example. $1.3V_{s_0}$=100 m. p. h. (TAS). Obtain (TAS) from figure 10. Effective wind from figure 8=23 m. p. h. Zero wind runway length required from figure 8=4,000 feet. Correction factor=1.022. Corrected zero wind runway length required. 4,000×1.022=4,088 feet.

FIGURE 10—TIAS CONVERSION TO TAS.



CIVIL AERONAUTICS BOARD

[14 CFR Part 43]

GENERAL OPERATION RULES

VOR EQUIPMENT ACCURACY CHECKS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment to Part 43 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by November 23, 1953. Copies of such communications will be available after November 25, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

It has been determined that errors may exist in omnidirectional radio range (VOR) airborne receivers due to inherent characteristics or to inadequacies in equipment installation or maintenance. Such errors may be of sufficient magnitude as to make the use of the VOR system of airways, using the established lateral separation criteria, extremely hazardous unless proper precautious are taken.

In order to correct this situation it is proposed to amend Part 43 to require VOR aircraft equipment accuracy checks prior to flight under instrument flight rules (IFR) as provided herein.

Accordingly, notice is hereby given that it is proposed to amend Part 43 of the Civil Air Regulations by adding a new § 43.31 to read as follows:

§ 43.31 *Aircraft electronic navigation equipment accuracy.* Except for aircraft in which the omnidirectional radio range (VOR) equipment is maintained, checked, and inspected in accordance with a procedure approved by the Administrator, no person shall operate an aircraft under instrument flight rules using the VOR system of radio navigation unless the aircraft VOR equipment and system has been operationally checked within the preceding ten hours of aircraft flight time, but not more than ten days from the previous check regardless of flight time. The checks shall be conducted as follows:

(a) If a CAA operated or approved test signal [1] is available at the airport of intended departure, a check of the VOR receiving system shall be made using this test signal. Indicated bearing errors of a magnitude greater than plus or minus 4° shall be cause for cancellation of IFR flight based on VOR facilities.

(b) If a CAA operated or approved test signal is not available at the airport of intended departure, a check of the VOR system shall be accomplished using a point or points on the airport surface designated [2] by the Administrator as VOR system check points. If a check using this system indicates an error of a magnitude greater than plus or minus 4°, it shall be cause for cancellation of IFR flight based on VOR facilities.[3]

(c) In the event neither of the checks prescribed in paragraphs (a) and (b) of this section can be accomplished, because of the unavailability of a check signal or point, the following airborne procedure shall be accomplished prior to operating under instrument flight rules using VOR facilities:

(1) Select the VOR bearing which lies along the center line of an established VOR airway,

(2) Choose a prominent ground fix along the selected bearing line preferably beyond 20 miles of the VOR ground facility and maneuver the aircraft directly over the fix at a reasonably low altitude, and

(3) Note the VOR bearing indicated by the receiver when over the fix. The difference between the published bearing and the indicated bearing shall be within plus or minus 6°.

(d) If dual systems (defined as VOR units independent of each other with the exception of the antenna) are installed in the aircraft, a check of the systems shall be performed as follows: Both systems shall be tuned to the same VOR ground facility and the indicated bearings to that station noted. A variation between the two systems greater than 4° shall be cause for cancellation of IFR flight based on VOR facilities unless a determination can be made that one of the two units is performing within limits specified in paragraphs (a) or (b) of this section. This in no way modifies any requirement found elsewhere for two operative systems for specific types of operations.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated: October 15, 1953, at Washington, D. C.

By the Bureau of Safety Regulation:

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 53-8937; Filed, Oct. 20, 1953; 8:51 a. m.]

[1] Test signal locations will be shown in the Airman's Guide.

[2] Airports having points on surfaces designated as test points by the Administrator will be shown in the Airman's Guide.

[3] In making this check, caution should be exercised to head the aircraft in a direction to prevent the aircraft structure from interfering with the ground signal.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 10716]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 10716.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area	Channels	
	Delete	Add
Deland, Fla		239
Lakeland, Fla	239	

3. The purpose of the proposed amendment is to provide a Class B channel in De Land, Florida, thereby facilitating consideration of a pending application requesting a Class B assignment there.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before November 16, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 14, 1953.

Released: October 15, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8924; Filed, Oct. 20, 1953; 8:48 a. m.]

[47 CFR Parts 2, 3]

[Docket No. 10717]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, Docket No. 10717.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it a pleading filed on September 2, 1953, by the Huntsville Times Co., Inc., licensee of Station WHBS–FM, Huntsville, Alabama, requesting an amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area	Channels	
	Delete	Add
Huntsville, Ala		250
Birmingham, Ala	250	
Chattanooga, Tenn	251	

3. In support of the requested amendment Station WHBS–FM contends that the change is desirable because it will permit Station WHBS–FM, now operating on the only Class B FM channel assigned to Huntsville, Alabama, Channel

236, to operate on Channel 250 thereby eliminating the present condition of interference to the reception of television Channel 13 in the Huntsville area caused by receivers tuned to the Channel 236 frequency now assigned to WHBS–FM.

4. The interference to the reception of television station WAFM–TV, Birmingham, Alabama, being experienced in the Huntsville area is not due to improper operation on the part of station WHBS–FM, but is due to the radiation of the second harmonic of oscillators in certain FM receivers when tuned to station WHBS–FM. This radiation is on the frequency of 211.6 megacycles which falls within television Channel 13 (210 to 216 megacycles). The source of this interference is internal to the FM receivers. The problem can and should be resolved by remedial measures at the source of the problem—improved designs of FM receivers—rather than by manipulation of outstanding frequency assignments or changes in the television and FM allocations plans. The Commission has taken the position before and is still of the opinion that receiver manufacturers are under an obligation to the consumers purchasing their goods to employ the corrective measures in the manufacture of receiving sets necessary to insure against this and related interference problems and that it is improper to place further restrictions on the use of the very limited spectrum space because of interference problems that can be entirely avoided by proper receiver design. In general it will not be possible to correct this type of interference by allocation structure changes that the present limited use of FM broadcasting assignments makes possible in this case.

6. Any interested party who is of the opinion that the amendment proposed by petitioners should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before November 16, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 14, 1953.

Released: October 15, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53–8926; Filed, Oct. 20, 1953; 8:49 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 10724]

STATIONS ON LAND AND SHIPBOARD IN THE MARITIME SERVICE

USE OF FREQUENCIES IN MISSISSIPPI RIVER COMMUNICATION SYSTEM

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation in the Mississippi River system areas by coast stations and ship stations, on currently assignable frequencies for telephony within the band 4000 kc to 18000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket No. 10724.

1. On January 14, 1953, the Commission issued a notice of proposed rulemaking in Docket 10377 which set forth the Commission's proposal for the use of frequencies by the martime mobile (telephone) service in the frequency bands between 4 and 20 Mc. The scope of this proposal included the Oceans, the Great Lakes and the Mississippi River system.

Comments received from interested persons generally supported the Commission's proposal except for that portion of the frequency plan for the Mississippi River system (including the Ohio, Illinois and other tributaries) hereinafter referred to as the "Rivers". Consequently the Commission's proposal was adopted except as it pertained to the Rivers. The Commission stated, at that time, Mimeo 89423 dated May 5, 1953, that:

> • • • the continued use of the frequencies now employed by the Rivers may result in harmful interference conflicts as progress is made by the United States and other countries in the activation of planned assignments under the provisions of the Geneva Agreement (1951). If no further plan for the Rivers is finalized prior to such time, it is the Commission's present intention to take up any such interference conflicts which may arise on their merits at the time of proposed activation of the planned assignments which appear to be in conflict with the existing uses of frequencies on the Rivers.

2. Subsequently, it was brought to the Commission's attention that the frequency 8837 kc is to be activated by the aeronautical mobile (R) service at various locations in the Caribbean area and that such use would result in mutual harmful interference with the existing use of 8840 kc on the Rivers. Moreover, the Commission understands that the desired date of activation of 8837 kc by the aeronautical mobile (R) service is between December 1, 1953, and January 1, 1954. The frequency 8837 kc is only one of a family of aeronautical mobile frequencies for use in the Caribbean area. Under the provisions of the Radio Regulations of the International Telecommunication Union (ITU) and the Agreement concluded at the Extraordinary Administrative Radio Conference (EARC) of the ITU at Geneva, 1951, the frequency 8837 kc must be cleared of assignments capable of causing harmful interference to the aeronautical mobile (R) service if the Atlantic City Table of Frequency Allocations and the frequency plan for the aeronautical mobile (R) service contained in the EARC Agreement are to be brought into force.

3. Similar situations exist with respect to the necessity of clearing 6453 kc for coast telegraph operations (noting that the existing Rivers use of 6455 kc is a conflict thereto) and of clearing 4162.5 kc for the use by passenger ships (telegraphy) (noting that the existing Rivers use of 4162.5 kc is a conflict thereto).

In summary, therefore, the existing uses of 4162.5, 6455 and 8840 kc on the Rivers will have to be discontinued as a part of the over-all program of bringing into force the Atlantic City Table of Frequency Allocations. An additional administrative problem is the deletion of availability in the Commission's rules of the frequency 6240 kc, the use of which would conflict with use for ship telegraphy. The Commission understands that 6240 kc is not actually used on the Rivers.

4. These factors have therefore caused the entire Rivers communications system to be reviewed with the objective of formulating a specific proposal whereby the use of the frequencies 4162.5, 6455 and 8840 kc may be discontinued, and the frequency 6240 kc may be deleted from the list of available frequencies in the rules, as pertains to uses and availability of these frequencies on the Rivers.

It was apparent from the comments received in Docket No. 10377 that the most substantial problem involved in devising such a proposal was the availability of a frequency in the 6 Mc band.

5. In this connection, limitations on choices of orders of frequency imposed by international frequency allocation must be taken into account by the Commission. The Commission has heretofore stated that there is no spectrum space allocated to the maritime mobile (telephone) service in the 6 Mc band. The possibility of a derogation has been mentioned by certain interested parties in Docket 10377. The essential criterion which has to be met for the successful use of a frequency assignment in derogation is that harmful interference must not be caused to the service to which the frequency in question is allocated. In addition, a practical limitation exists in that such a derogation would be impractical if harmful interference is received. It appears possible that a 6 Mc frequency could be found which, for the present, could be used in derogation for maritime mobile telephone operations on the Rivers without resulting in harmful interference to or from assignments in the allocated services. However, no assurances could be given that continued operation on any such frequency would be possible. Changes in the use of existing domestic or foreign in-band assignments because of seasonal radio propagational variations, fluctuating operational requirements and other factors, or the bringing into use of new operations in the allocated services, appear likely to result in such interference at some subsequent period. In such event, any

in-band assignment, whether domestic or foreign, would have an absolute right to protection from such interference and there would be no recourse or compensation for the expense and possible lack of communications which might be involved in discontinuing the 6 Mc Rivers' operations or shifting such operations to a different 6 Mc derogation frequency with no assurance that the same problem would not arise again. Therefore, it does not appear practical to incorporate in the plan the derogational use of any specific frequency for any reasonable period of time.

6. The following coast stations now provide service on the Rivers:

Call	Location	Licensee
WAY	Lake Bluff, Ill.	Illinois Bell Telephone Co.
WFN	Louisville, Ky.	Warner & Tamble Radio Service.
WGK	St. Louis, Mo.	RMCA.
WCM	Pittsburgh, Pa.	RMCA.
WBN	Memphis, Tenn.	Warner & Tamble Radio Service.
WJG	do.	Do.

7. These coast stations are separated by the following approximate air line distances in miles:

	Chicago	Louisville	Memphis	Pittsburgh	St. Louis
Chicago		250	480	400	250
Louisville	250		320	340	230
Memphis	480	320		660	240
Pittsburgh	400	340	660		560
St. Louis	250	230	240	560	

The most significant distances are those between adjacent coast stations namely:

	Miles
Chicago to St. Louis	250
Louisville to St. Louis	230
Memphis to St. Louis	240
Pittsburgh to Louisville	340

These figures indicate that a boat located between any two coast stations would have to communicate over maximum distances of 115 to 170 miles to reach the nearest coast station by radio.

8. The service area radii of the frequencies 4162.5, 6455, and 8840 kc have been described by interested parties in Docket 10377. These may be summarized from the comments of RMCA, and Warner and Tamble Radio Service, which are in essential agreement, as follows:

Daytime

4 Mc	30 to 250 miles.
6 Mc	50 to 800 miles.
8 Mc	350/500 to 1300 miles.

Nighttime

4 Mc	60 to 500 or more miles, or almost entire system.

9. These distance ranges of different orders of frequencies are functions of radio propagation characteristics, which, in turn, are functions of natural phenomena. The Commission is not inferring that such distances are attained at all times or on all days, or that the service rendered is adequate. The figures are those of interested parties who commented previously in Docket 10377.

10. A comparison of the distance ranges of the various frequencies from paragraph 8 with the distances between coast stations in paragraph 7 indicates that a substantial number of individual contacts between coast stations and ship stations must be carried out under one of two situations, i. e., (a) mutual interference between different pairs of stations trying to communicate, or (b) time sharing.

This conclusion is inevitable since the same frequencies are licensed to each of the coast stations involved, and also are used by ship stations with which each coast station communicates.

This is borne out by the comments of Warner and Tamble in Docket 10377 which state, in part:

> Here it may be added that the emphasis upon what has been attained with the presently available frequencies is not admission of their adequacy. As matter of fact, they are not adequate and are a strain upon the operation. For example, the Memphis and St. Louis stations handle the majority of the traffic and only by the closest cooperation do they avoid material interference with each other. The needed solution is the grant of more frequencies.

11. The situation due to mutual interference, or time sharing, as the case may be in individual instances, seems to be aggravated further by the loading figures which were indicated in the recent comments in Docket 10377. American Waterways Operators, Inc., stated that:

> This (6 Mc) frequency has been used for many years for handling about 60 percent of the long distance messages during the day; * * *.

Mississippi Valley Barge Line Co., Inc., stated that:

> * * * the largest amount of traffic, exceeding sixty percent, is handled on the 6 Mc band.

RMCA stated that:

> The usefulness of the 6 Mc frequency is shown statistically by the fact that 71 percent of the total radiotelephone traffic handled by Radiomarine's St. Louis Station in 1952 was handled on this frequency. Fifty-two percent of the total radiotelephone traffic handled by both Radiomarine's St. Louis and Pittsburgh stations in 1952 was handled on the 6 Mc frequency.

12. These data, when evaluated in the light of the day-only availability of 6455 and 8840 kc, indicate that simultaneous use of either of these frequencies by different coast stations may be theoretically possible under the Commission's existing rules, but is not a generally practicable possibility. Further, the simultaneous use of 4162.5 kc likewise is characterized by overlapping service areas of at least adjacent coast stations.

These situations are portrayed on the maps included as attachments hereto,[1] as follows:

Figure 1—4 Mc Daytime coverage.
Figure 2—6 Mc Daytime coverage.
Figure 3—8 Mc Daytime coverage.
Figure 4—4 Mc Night-time coverage.

These maps, based on coverage data supplied by interested parties in Docket 10377, indicate:

[1] Filed as part of the original document.

Figure 1—4 Mc Daytime coverage. (1) There is no portion of the system which cannot be reached by one or more coast stations except for (a) that portion of the Missouri River north of Kansas (b) that portion of the Mississippi River in the vicinity of New Orleans and (c) that portion of the Mississippi River north of Iowa.

(2) The service area of each coast station overlaps part of the service area of at least one other coast station.

(3) The service areas of Louisville and Pittsburgh overlap on the Ohio River.

(4) The service areas of Louisville, St. Louis, and Memphis overlap on the Ohio and Mississippi Rivers.

(5) The service areas of Chicago and St. Louis overlap on the Mississippi and Illinois Rivers.

Thus it is apparent that a boat equipped only with 4 Mc radiotelephony will at all times be able to contact one, two or three coast stations, except for the three extremities noted above. This, however, places a limitation upon the number of simultaneous transmissions which may be accommodated on the 4 Mc frequency. In some areas, any one coast station could operate only one-half or one-third of the time if the frequency were equitably shared and if mutual interference is to be avoided.

Figure 2—6 Mc Daytime coverage. All portions of the system receive coverage from three or more coast stations. This, then, restricts seriously the number of simultaneous transmissions which may be accommodated on this frequency and reduces the time available for each coast station to use the frequency without mutual interference.

Figure 3—8 Mc Daytime coverage. All portions of the system not covered by 4 Mc receive coverage from at least one coast station, i. e., the extremities of the system are within the service area of at least one coast station. The only portion of the system not covered by at least one coast station on 8 Mc is that portion of the Ohio River which is approximately the boundary between Kentucky and Indiana and between Kentucky and Ohio.

13. It is apparent therefore that any plan for the discontinuance of 4162.5, 6455 and 8840 kc and the establishment of another complement of frequencies must take into account at least the following factors:

(a) Distance ranges of existing frequencies;

(b) Interference due to simultaneous use of existing frequencies by different pairs of stations;

(c) Locations of existing coast stations and distances between them;

(d) Relative loading of each of the existing frequencies;

(e) Primary nature and purpose of communications, i. e., dispatching and control of vessels.

14. The principal arguments advanced by those interested parties in Docket 10377 who requested the continued availability of a 6 Mc frequency were based on the daytime loading (traffic volume) and the "dead" areas which could not be reached without a 6 Mc frequency. These so-called "dead" areas begin ap-

proximately 250 miles from a coast station (the stated extreme distance which can be covered by a 4 Mc frequency during the day) and extend beyond that distance for 100 to 250 miles (depending on the extent of the stated skip distance of an 8 Mc frequency during the day). It is apparent that the loading or traffic volume argument is met by the substitution of a frequency of any order, provided each boat, at any time, can communicate with one or more coast stations in the system with the frequencies in the complete complement. The "dead" area (250 to 500 miles) argument is met if the complement of frequencies permits each boat, at any time, to communicate with one or more coast stations, or be contacted by a coast station. The plan herein proposed meets both these criteria. Moreover, since a 4 Mc frequency is proposed as the replacement for 6455 kc, the mutual interference range thereby is reduced, thus increasing the traffic capacity.

15. If there were only one coast station licensed on the Rivers, then that station might require a complement of frequencies that would permit the contacting of any ship at any time at any place on the Rivers. However, there are five different coast stations, rather evenly distributed geographically, and it is apparent that a boat owner at or near Memphis can reach his vessel, if it is near Pittsburgh, via the Pittsburgh coast station. The same applies to a boat owner at or near Pittsburgh; he can talk to his vessel, if it is near Memphis, via the Memphis coast station. As to the desirability or feasibility of such overland relaying, it is apparent that the home offices and operating bases of the vessels concerned are not all located in the five cities where there are coast stations. The publication "Transportation Lines on the Mississippi River System and the Gulf Intracoastal Waterway (1953) Transportation Series No. 4", published by the Corps of Engineers, Department of the Army, lists, among others, the following places as home offices or local operating bases of self-propelled vessels described as operating on the Rivers:

Alton, Ill.
Ashland, Ky.
Ashport, Tenn.
Beardstown, Ill.
Cairo, Ill.
Canton, Mo.
Cape Girardeau, Mo.
Caruthersville, Mo.
Charleston, W. Va.
Cincinnati, Ohio
Clarendon, Ark.
Clayton, Mo.
Clifton, Tenn.
Columbus, Ky.
Davenport, Iowa.
Des Moines, Iowa.
DeValles Bluff, Ark.
Evansville, Ind.
Frankfort, Ky.
Greensville, Ohio.
Hannibal, Mo.
Harrimon, Tenn.
Helena, Ark.
Higginsport, Ohio.
Huntington, W. Va.
Jeffersonville, Ind.
Joliet, Ill.
Kansas City, Mo.
Kingsport, Tenn.
LaCrosse, Wis.
Lansing, Iowa.
Leavenworth, Kans.
Lemont, Ill.
Lenoir City, Tenn.
Little Rock, Ark.
Lockport, Ill.
Minneapolis, Minn.
Manchester, Ohio.
Nebraska City, Nebr.
New Madrid, Mo.
Parkersburg, W. Va.
Peru, Nebr.
Quincy, Ill.
Red Wing, Minn.
Reed, W. Va.
Rockwood, Tenn.
Savannah, Tenn.
Spotsville, Ky.
Wheeling, W. Va.
Vicksburg, Miss.

This is by no means a complete list of the home offices or operating bases of self-propelled boats on the Rivers. It indicates that overland relaying is required at the present time for messages sent or received via the existing coast stations. Obviously, many of these places are near one of the five cities where there are coast stations, but some of them are at distances of 100 miles or more. Therefore, overland relaying is a necessity in the case of boat owners whose headquarters are located outside the areas served by the local (land) telephone exchanges of Pittsburgh, Louisville, Chicago, St. Louis or Memphis. It is obvious that if additional coast stations are authorized to use high frequencies (4–8 Mc), that the usefulness of these frequencies will decrease in proportion to the total number of stations established. Because Chicago, Louisville, St. Louis and Memphis are now capable of interfering with each other, if they simultaneously try to use 6455 or 8340 kc, it is apparent that time sharing must be employed if interference is to be avoided. Were the number of coast stations using high frequencies in this area increased, the availability of each frequency to each coast station would be decreased.

16. As to the choice between one frequency (simplex) and two frequency (duplex) operation the Commission will not require the duplex mode. Since the desires of interested parties in Docket 10377 is for the one frequency or "simplex" mode, the plan herein has been prepared on that basis.

17. A further factor to be considered is that the Commission must assume that each coast station will operate a receiving station which is so located as to be in an area of minimum atmospheric and man-made noise, and have at its disposal appropriate antennas designed for optimum reception of ship stations on each of the frequencies made available.

18. The Commission is of the opinion that the practical answer to the problem on the Rivers, is not another 6 Mc frequency to replace 6455 kc, but, instead, a frequency which permits any vessel to communicate into the system without completely tying up the frequency over most of the Rivers area. A frequency of lower order would permit the handling of a greater amount of traffic, and receive less interference and tend to cause less interference. It is recognized that adoption of such a proposal would require some adjustment in existing operational practices on the Rivers, particularly in the use of more than one coast station to communicate with a particular vessel. However, it is believed that such a readjustment can be worked out so that the communications system on the Rivers will be at least as good as that now in existence, whereas the difficulties inherent in any 6 Mc derogation operation, referred to above, make any such resolution of the pressing problems of adjusting present River assignments inadvisable.

19. For the above reasons, the Commission proposes that (a) only those frequencies allocated to the maritime mobile (telephone) service in the Atlantic City Table of Frequency Allocations should be available to the Rivers, (b) sufficient frequencies should be made available to the Rivers so as to permit the handling of as much traffic as now can be accommodated on existing frequencies and (c) a combination of "simplex"—"duplex" or all "duplex" not be adopted.

It is proposed that as a substitute for 4162.5 kc, and as suggested in comments of the Illinois Bell Telephone and the American Telephone and Telegraph Companies, interested parties in Docket 10377, the 4 Mc frequency alloted to the United States for use as a coast telephone frequency on the West Coast, be shared between the West Coast and the Rivers. This is the same as the former sharing pattern involved in the Great Lakes-West Coast maritime sharing which has worked satisfactorily. For the same reasons, it is proposed that the 4 Mc frequency allotted to the United States for West Coast ship use be shared by the Rivers as a substitute for the frequency 6455 kc. The choice of which 4 Mc West Coast frequency is to replace which existing Rivers frequency is governed by considerations of interference, i. e.; the full-time Rivers replacement frequency for 4162.5 kc should share with the West Coast coast station frequency, and the daytime frequency 6455 kc should be replaced by sharing the West Coast ship frequency during day hours. Under these conditions of sharing, the Commission believes less interference will occur than if these replacements were reversed.

20. The consideration of the choice of frequency replacement at 8 Mc entails a study of the possible interference which may be caused to foreign maritime mobile telephone operations. The only two frequencies which can be shared with U. S. coast or ship telephone operations, without the probability of causing harmful interference, are those allotted for U. S. West Coast use. However, a daytime operation on the Rivers is likely to cause interference to the service of Bermuda, which country is allotted the same coast and ship pair as the U. S. West Coast. It has therefore been necessary to study the possibility of utilizing some other frequency, allocated to the maritime mobile (telephone) service, the use of which is less likely to cause harmful interference to other operations. This study indicates that the frequency most capable of being shared by the Rivers is 8205.5 kc, which is not allotted to the United States, but upon which the nearest operation will be ship telephone use transmitting to Nicaragua and the Dominican Republic. This choice takes advantage of the fact that the foreign receiving points are beyond normal range of the daytime transmissions on the Rivers and, at the same time, permits the Rivers sharing with low-power foreign ship telephone stations rather than some higher power service.

21. The proposed amendments to the rules for the Rivers are shown in the following tabulations:

Present frequency (kc)	Date of deletion	Hours of use	New proposed frequency (kc)	Date of availability	Remarks
4162.5	(Note 2)	24	4372.4	(Note 1)	Shared with West Coast coast stations.
6240	Dec. 1, 1953	None	None		
6455	(Note 2)	Day only	4067	(Note 1)	Shared with West Coast ship stations.
8840	Dec. 1, 1953	Day only	8205.5	Dec. 1, 1953	Shared with ships transmitting to Nicaragua and Dominican Republic.

NOTE 1: The date of availability of this frequency will be announced as soon as it is cleared of existing conflicting assignments.

NOTE 2: The date of deletion of this frequency will not be earlier than the date of availability of its replacement.

22. The Commission is of the opinion that the above new frequency complement is capable of handling at least as much, if not more, traffic than the present complement on the Rivers, with less mutual interference. While the above proposal is believed to be a workable one, it is not considered as the final answer to the Rivers problem. In view of the importance of the maritime industry on the Rivers as expressed by those interested, and the stated need for efficient communications, the Commission is of the opinion that the interests should plan an efficient system utilizing VHF for ship and coast stations and wire lines or microwave radio for relaying purposes.

23. These proposed amendments to the rules are issued pursuant to the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences (Atlantic City, 1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

24. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before November 4, 1953, a written statement of brief, setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments and briefs presented before taking final action in the matter. In this connection, the Commission has recently received a number of comments and proposals from interested parties. All of these will carefully be considered by the Commission before taking final action in this matter.

25. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: October 14, 1953.

Released: October 15, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8923; Filed, Oct. 20, 1953; 8:48 a. m.]

[47 CFR Part 8]

[Docket No. 10723]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

DEFERMENT OF AUTOMATIC KEYER REQUIREMENT FOR CERTAIN LIFEBOAT NON-PORTABLE RADIO EQUIPMENT

In the matter of amendment of Part 8 of the Commission's rules to defer the automatic keyer requirement for certain lifeboat non-portable radio equipment contained in § 8.559; Docket No. 10723.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has been requested by the National Federation of American Shipping, Inc. (superseded by the American Merchant Marine Institute) to take action to defer application of the transmitter requirements regarding an automatic keying device for lifeboat non-portable radio equipment contained in § 8.558 (a) (4) of the Commission's rules for one year beyond the date of November 19, 1953 presently specified in § 8.559 of the rules. This organization has further requested that if deferral action is not possible for all compulsory installations that as a minimum the Commission establish a procedure for waiver of the requirement for a period of one year with respect to those installations required to be provided by national law but not by the International Convention for the Safety of Life at Sea, London, 1948 (Safety Convention). The organization has requested that the action be taken on the basis that the automatic keyer can be expected to have a useful life of only one year because of the expected need to replace the existing lifeboat radio equipment with new equipment before November 19, 1954, for the purpose of complying with the requirements of § 8.520 (e) of the rules regarding radio field intensity. The industry reports that although 46 lifeboat non-portable radio equipments are involved, only 9 of these are equipments required to have automatic keying under the provisions of the Safety Convention.

3. Since it appears that the industry plans to install new lifeboat nonportable equipment meeting all applicable requirements (instead of modifying existing equipment) and since such new equipment is not available for installation prior to November 19, 1953, it appears to be reasonable to defer, insofar as possible, the automatic keyer requirement until November 19, 1954. However, in view of the Safety Convention requirements, the deferment proposed in the rules amendment set forth below is confined to equipment to which the Safety Convention provisions are not applicable.

4. These proposed amendments are issued under authority contained in sections 303 (e), (r), 355 and 356 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted, or not adopted in the form set forth, may file with the Commission on or before November 4, 1953, a written statement or brief setting forth his comments. At the same time, any person who favors the rules as set forth may file a written statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within five days from the last day for filing said original comments or briefs. The Commission will consider all comments, briefs and statements presented before taking final action on the matter.

6. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of each statement, brief, or comment filed shall be furnished to the Commission.

Adopted: October 14, 1953.

Released: October 15, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

Section 8.559 is amended by revising the item relating to § 8.558 (a) (4) under the respective column headings *"Requirement"* and *"Date"* to read as follows:

Section 8.558 (a) (4): Transmitter requirements regarding an automatic keying device for operation on 500 kc and, if radio equipment installed on or after November 19, 1952, also for operation 8364 kc.

For equipment required to be provided by reason of the provisions of the Safety Convention. November 19, 1953.

For equipment required by law to be provided but not so required under any provisions of the Safety Convention. November 19, 1954.

[F. R. Doc. 53-8925; Filed, Oct. 20, 1953; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

ORDER AMENDING DESIGNATION OF CERTAIN LANDS AND WATERS IN AND ADJACENT TO REFUGE AS CLOSED AREA UNDER MIGRATORY BIRD TREATY ACT

Whereas, Malheur, Mud, and Harney Lakes, Harney County, Oregon, are frequented by swans, ducks, geese, sandhill cranes, white pelicans, herons, ibises, shorebirds, and other migratory birds and are of particular value in the national migratory bird management program; and

Whereas, it became necessary in 1941, in order to protect the migratory birds frequenting the aforesaid lakes, to prohibit by regulations proclaimed by the President the hunting of such birds on the aforesaid lakes, and the streams and waters connecting them; and

Whereas, it having been determined that some of this wildlife resource could be harvested through controlled public hunting, the restrictions imposed by Proclamation No. 2516 of October 1, 1941 (55 Stat. 1689, 6 F. R. 5053), were relaxed by Proclamation No. 2818 of October 20, 1948 (62 Stat. 1565, 13 F. R. 6191), and subsequently were modified by Proclamation No. 2859 of October 20, 1949 (64 Stat. A369, 14 F. R. 6425), and

Whereas, it appears that the restrictions imposed by Proclamation No. 2859 should be further modified to afford flexibility in the selection of areas upon which hunting may be permitted from time to time pursuant to appropriate regulations prescribed in accordance with sound wildlife management practices, and having due regard to the water stages in Malheur Lake and to the abundance and lines of flight of migratory birds frequenting the areas:

Now, therefore, by virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), Reorganization Plan No. II (53 Stat. 1431), and Executive Order No. 10250 of June 5, 1951 (16 F. R. 5385), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238, 5 U. S. C. secs. 1001 et seq.), I, Ralph A. Tudor, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection if migratory birds, concluded August 16, 1916 (39 Stat. 1702), and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936 (50 Stat. 1311), do hereby so amend Proclamation No. 2859 of October 20, 1949, as to exclude therefrom the four areas of land and water in Harney County, Oregon, within the record meander lines of Malheur and Harney Lakes and the streams and waters connecting said lakes described as follows:

Area A

Beginning in T. 26 S., R. 32 E. (North of Malheur Lake) at the southwest corner of lot 6, section 2; thence generally northeasterly with the record meander line of sections 2 and 1 in said township; thence continuing in T. 25 S., R. 32 E. (North of Malheur Lake) northeasterly with the record meander line of section 36; thence continuing in T. 25 S., R. 32½ E. (North of Malheur Lake) with the record meander line of section 31 northeasterly 39 chains (approximate) to an angle point; thence, leaving the meander line, due South 249 chs.; thence N. 64° 45′ E. 11 chs., due North 223 chs., due East 9 chs., due South 218 chs., N. 64° 45′ E. 4 chs., due North 204 chs., due East 19 chs., due North 54 chs., due West to the southeast corner of lot 5, section 30; thence northeasterly with the record meander line of said section approximately 36 chs. to an angle point; thence due South 25 chs., due East 3 chs., due North 53 chs. to the record meander line at the southwest corner of lot 2, sec. 29, T. 25 S., R. 32½ E.; thence northeasterly with the record meander line of said lot 2, 25 chs.; thence due South 316 chs.; thence N. 64° 45′ E. 306 chs. to the east side of the borrow pit on the east side of Cole Island Dike, northerly with the east side of said borrow pit with the meanders thereof approximately 78 chs.; thence N. 70° 40′ E. 7 chs., due South 142 chs., due East 58 chs., due North 227 chs. to the record meander line at the southwest corner of lot 10, sec. 19, T. 25 S., R. 33 E.; thence in T. 25 S., R. 33 E., generally northeasterly and southeasterly with the record meander line of sections 19, 20, 29, 28, 33, and 34; thence in T. 26 S., R. 33 E. generally southerly and westerly with the record meander line of sections 3, 10, 15, 16, 17, and 18; thence in T. 26 S., R. 32 E. (South of Malheur Lake) generally southwesterly with the record meander line of sections 13, 14, 23, 22, 27, 28, and 33; thence in T. 27 S., R. 32 E., generally westerly with the record meander line of sections 4 and 5; thence in T. 26 S., R. 32 E. (South of Malheur Lake) generally northwesterly with the record meander line of sections 32 and 31; thence in T. 26 S., R. 31 E. (South of Malheur Lake) generally northwesterly with the record meander line of section 36 and lots 4 and 3 of section 25 to the east corner of said lot 3, thence due North 129 chs.; N. 70° 08′ E. 20 chs., N. 40° 00′ W. 30 chs., due North 24 chs.; S. 79° 05′ W. 18 chs.; N. 40° 00′ W. 13 chs.; S. 46° 30′ W. 13 chs., N. 81° 30′ W. 35 chs., N. 62° 00′ W. 2 chs., S. 86° 20′ W. 23 chs., S. 0° 30′ E. 9 chs., S. 79° 05′ W. 14 chs., due North 189 chs. to place of beginning.

Area B

Beginning in T. 26 S., R. 32 E. (North of Malheur Lake), at the east corner of lot 10, section 3; thence due South 170 chs.; S. 79° 05′ W. 23 chs., due North 52 chs.; S 86° 30′ W. 30.35 chs., N. 59° 15′ W. 44.60 chs., S. 47° 25′ W. 65.50 chs., S. 28° 20′ E. 34.00 chs., S. 68° 05′ E. 27.50 chs., N. 81° 15′ E. 1.70 chs., S. 81° 15′ E. 1.90, due East 2.00 chs., N. 78° 00′ E. 2.00 chs., N. 58° 35′ E. 2.10 chs., N. 47° 00′ E. 1.80 chs., N. 62° 20′ E. 8.00 chs., N. 72° 30′ E. 1.60 chs., N. 48° 45′ E. 11.00 chs., N. 34° 20′ E. 12.00 chs., N. 86° 25′ E. 16.20 chs., S. 8° 10′ E. 17 chs., S. 79° 05′ W. 45 chs., S. 67° 40′ W. 1.4 chs., S. 76° 25′ W. 2.1 chs., N. 86° 05′ W. 1.9 chs., N. 79° 50′ W. 0.80 ch., S. 79° 05′ W. 3 chs., S. 12° 05′ W. 30.80 chs., S. 4° 20′ W. 18.40 chs., S. 89° 50′ W. 8 chs., due South 75 chs. to the northeast corner of lot 1, sec. 28, T. 26 S., R. 31 E. (South of Malheur Lake), thence westerly with the record meander line in sections 28 and 29 to the northwest corner of lot 3, section 29; thence due North 79 chs., S. 79° 05′ W. 41 chs., due South 78 chs. to the northeast corner of lot 14, section 30, T. 26 S., R. 31 E. (South of Malheur Lake); thence in said T. 26 S., R. 31 E. westerly with the record meander line of section 30; thence in T. 26 S., R. 30 E. (South of Malheur Lake), southwesterly with the record meander line of sections 25 and 26, to the southwest corner of lot 5, section 26; thence S. 78° 15′ W. 8.50 chs. to the southeast corner of lot 4, section 26; thence in T. 26 S., R. 31 E. (North of Malheur Lake), northerly and northeasterly with the record meander line of sections 26, 23, 24, 14, and 13; thence in T. 26 S., R. 32 E. (North of Malheur Lake), northeasterly with the record meander line of sections 18, 17, 8, 9, 4, 3, and 10 to the place of beginning.

Area C

Beginning in T. 26 S., R. 31 E. (North of Malheur Lake), at the southeast corner of lot 2, section 28; thence S. 4° 45′ E. 44 chs., S. 24° 00′ E. 61 chs. to the corner common to lots 3 and 4 of sec. 34, T. 26 S., R. 30 E., (South of Malheur Lake); thence southwesterly with the record meander line of sec. 34 to the corner common to lot 4, sec. 34 and lot 6, sec. 33; thence N. 25° 50′ W. 5 chs., N. 5° 00′ W. 69 chs., N. 83° 20′ W. 44 chs., N. 85° 55′ W. 41 chs. to the southwest corner of section 28, T. 26 S., R. 31 E. (North of Malheur Lake); thence northeasterly with the record meander line of sec. 28 to the place of beginning.

Area D

Beginning in T. 26 S., R. 31 E. (North of Malheur Lake), at the southeast corner of lot 2, section 32; thence due S. 16 chs., S. 34° 00′ W. 3 chs., N. 40° 35′ W. 10 chs., S. 53° 15′ W. 9 chs., S. 61° 50′ W. 27 chs., S. 15° 45′ W. 2 chs., S. 9° 15′ E. 12 chs., S. 40° 10′ W. 5 chs., S. 74° 10′ W. 5 chs., S. 9° 10′ E. 5 chs., S. 19° 20′ E. 5 chs., S. 8° 15′ E. 5 chs., S. 9° 55′ W. 6 chs., S. 8° 25′ E. 5 chs., S. 21° 45′ E. 4 chs., N. 61° 30′ E. 5 chs., to the northwest corner of lot 3, sec. 5, T. 27 S., R. 30 E.; thence in T. 27 S., R. 30 E., southeasterly with the record meander line of secs. 5 and 4, to the northwest corner of lot 5, sec. 4; thence S. 62° 10′ W. 28 chs., S. 77° 00′ E. 29 chs. to the northeast corner of lot 3, sec. 4; thence southerly with the record meander line of secs. 4, 9, 8, 17, 18, 19, and 30; thence in T. 27 S., R. 29½ E., southwesterly with the record meander line of secs. 25 and 36; thence in T. 28 S., R. 29¾ E., southerly, westerly, and northerly with the record meander line of secs. 1 and 2; thence in T. 27 S., R. 29½ E., westerly with the record meander line of secs. 35, 34, 33, 28, 29, and 30; thence in T. 27 S., R. 29 E., northwesterly and northeasterly with the record meander line of secs. 25, 24, 23, 14, 11, 2, and 1; thence in T. 26 S., R. 29 E., northeasterly with the record meander line of sec. 36; thence in T. 26 S., R. 30 E., easterly with the record meander line of secs. 31, 30, 29, 28, 27, 34, 35, and 36; thence in T. 26 S., R. 31 E. (North of Malheur Lake) easterly with the record meander line of sec. 31 to the northeast corner of lot 6, sec. 31; thence S. 64° 40′ E. 12 chs., N. 8° 20′ E. 14 chs. to the southwest corner of lot 4, sec. 32; thence easterly with the record meander line to the place of beginning.

To facilitate the management and protection of migratory birds frequenting Malheur Lake, the following described area of land and water is hereby designated as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds or

attempting to take, capture, or kill migratory birds is not permitted.

Area E

Beginning in T. 25 S., R. 32½ E., at the northeast corner of lot 1, sec. 26; thence southerly with the east side of the borrow pit on the east side of Cole Island Dike with the meanders thereof approximately 112 chs.; thence N. 84° 00' W. 24 chs., N. 5° 35' E. 36 chs., N. 28° 00' W. 13 chs., N. 16° 05' W. 9 chs., N. 83° 30' W. 5 chs., due North 46 chs. to place of beginning.

Since this order relieves, in part, the restrictions set forth in Proclamation No. 2859 of October 20, 1949, compliance with the general notice provisions and the effective date limitations of sections 4 (a) and 4 (c), respectively, of the Administrative Procedure Act is not required with respect to Areas A, B, C, and D, above described, and this designation order shall become effective as to such areas upon publication in the FEDERAL REGISTER.

Compliance with the provisions of section 4 (a) of the Administrative Procedure Act, relating to general notice of proposed rule making, is impracticable and contrary to the public interest with respect to Area E because the hunting season for migratory waterfowl in the State of Oregon opens on October 17, 1953, and the purposes of this order so far as it affects Area E cannot be fully accomplished unless the order is made effective as soon as legally possible. Accordingly, in compliance with the effective date limitations of section 4 (c) of the Administrative Procedure Act, this order shall become effective as to Area E upon the expiration of 30 days from the date of publication in the FEDERAL REGISTER.

Issued at Washington, D. C., this 16th day of October 1953.

RALPH A. TUDOR,
Acting Secretary of the Interior.

[F. R. Doc. 53-8953; Filed, Oct. 20, 1953; 10:36 a. m.]

Office of the Secretary

CALIFORNIA

DECISION REGARDING OBJECTIONS TO THAT PART OF ORDER NO. 2714, PROHIBITING OIL AND GAS LEASING IN SANTA YNEZ WATERSHED AREA OF LOS PADRES NATIONAL FOREST

Section 1 of Secretarial Order No. 2714, dated January 27, 1953, and published in the FEDERAL REGISTER on February 3, 1953 (18 F. R. 700), provided as follows:

It is ordered that, until further notice, no oil and gas lease under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U. S. C. 181 et seq.) as amended and supplemented, shall be issued for the public lands within the areas described in section 2. All pending applications for such leases, and all applications for such leases hereafter filed, shall be rejected.

One of the areas in the Los Padres National Forest described in section 2 of the order was the Santa Ynez Watershed.

Section 3 of the order stated:

This order is issued on the recommendation of the Department of Agriculture in order to protect the watershed and wild-area values of the lands.

On the same dates, there was respectively issued and published in the FEDERAL REGISTER (18 F. R. 702) a notice to the effect that for 30 days after publication of the order, persons might present objections to it in writing and that, if warranted, a public hearing would be held. Objections having been presented, a public hearing was held in Santa Barbara, California, on May 19, 1953, after due notice (18 F. R. 2380).

At the hearing, 16 persons appeared in support of the order. These included representatives of the Forest Service on behalf of the United States Department of Agriculture, and of the City of Santa Barbara, the County of Santa Barbara, four water-users' districts, the Kiwanis Club, the Sierra Club, the Federated Sportsmen, and the Grange. Appearing in opposition were an attorney and two petroleum engineers on behalf of applicants for oil and gas leases in the area covered by the order; and a representative of the Standard Oil Company of California.

The area over which there is controversy is the Santa Ynez Watershed. That watershed provides the principal water supply for the municipal and irrigation needs of the Santa Ynez Valley itself and of the much more populous coastal areas which lie over the Santa Ynez Mountains and includes the municipalities of Santa Barbara, Montecito, Carpenteria, and Summerland. To supply these coastal areas, water is transported in tunnels through the mountains. Present use of the water of the Santa Ynez River is considerably less than the average flow, but with a highly variable character of the flow from season to season and with the small storage space which has been available, serious water shortages sometimes have been encountered. To relieve the danger of shortages and to provide for the increased need for water which is expected with future population growth in the area, the Bureau of Reclamation is now constructing the Cachuma Project consisting of a dam and reservoir of some 210,000 acre-feet capacity, together with a tunnel and canals for delivering water to the coastal areas. The cost of the project will be about $32,000,000.

As presented by the persons who appeared at the hearing in support of the order, their position may be summarized as follows: The portion of the Santa Ynez Watershed which is in the Los Padres National Forest consists almost entirely of precipitous slopes, which are covered largely with brush of various types, although there are some completely or partially denuded slopes. There is no commercial timber. The purpose of maintaining the public land in national forest status is primarily watershed protection. The climate is extremely arid in the summer and the vegetation becomes so dry as to become almost explosive. The chief danger to water storage is fire, which if widespread in the watershed, may increase erosion and sedimentation immeasurably. The Forest Service has reduced fire damage markedly during recent years, chiefly by closing completely the more hazardous areas to public access during the fire season. Practically all of the fires in this area are man-caused; there are almost no lightning fires. Oil and gas leasing in the watershed, especially in its upper reaches where the applications are centered, would endanger the water supply by road construction, increased fire hazard, and pollution or contamination of the water. The construction of heavy-duty roads over the precipitous terrain would involve the moving of huge amounts of earth and substantially increase the danger of erosion and siltation. The erosion hazard would be increased even more by the danger of additional fires from the increased human activity which would result from oil and gas operations. In the event of an oil discovery, pollution of the water supply might result from accidental spillage of oil over the land or from the flow of brine which is frequently extracted along with petroleum.

The persons who appeared in opposition to the order presented what in brief is the following case against the order: There are a number of other watersheds in southern California, some of them in the same general region as the Santa Ynez and similar to it, which furnish municipal and irrigation water supplies for numerous cities and communities, and in which producing oil and gas fields have existed for many years, without serious detriment to such water supplies. The personnel of the oil industry is especially fire conscious and there are few records of fires directly attributable to operations of the oil companies. Road construction techniques have been greatly improved in recent years, and the roads necessary for the development of an oil field in the Santa Ynez Watershed could be constructed without materially increasing the erosion hazard. Similarly, methods of disposing of the brine and other wastes resulting from oil and gas operations have been developed to minimize the danger of water pollution. Such cities as Santa Paula, Ventura, Fillmore, and Bakersfield have secured their water supplies from streams or wells in watersheds in which there are numerous large or small oil fields. It should be possible to work out provisions in the leases covering operations which would protect the area covered by the order from erosion or pollution. Should a productive oil field be discovered in this area, substantial wealth and additions to the oil reserve valuable for defense purposes would be created.

It is clear that oil and gas development in the Santa Ynez Watershed would entail some risk of injury to the water supply of a valley and a coastal area which includes Santa Barbara, Montecito, Carpenteria and Summerland by fire, erosion, siltation, and pollution. Those who argue for oil and gas development do not dispute this; they in effect contend that the risk is not substantial. But whether oil and gas development would in fact result in such injury and if it would what the nature and extent of the injury would be can only be ascer-

tained by permitting the risk to be taken. We do not believe the Department of the Interior should permit that risk to be taken. What persuades us are the uncontradicted facts that the water supply necessary for the existence of several communities and a valley is critically insecure and that the presence of oil or gas in the area sought to be developed is purely speculative.

It seems to us that it will be time enough to consider modifying the order when the water supply is substantially more secure or the need for oil and gas development in general is more urgent than is presently the case. In the meantime such oil or gas as may exist in the watershed will presumably keep.

Order No. 2714 will not, therefore, be rescinded or modified at this time.

ORME LEWIS,
Assistant Secretary of the Interior.

OCTOBER 15, 1953.

[F. R. Doc. 53-8913; Filed, Oct. 20, 1953; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

ENTRY OF SUGAR INTO CONTINENTAL UNITED STATES FROM HAWAII AND REPUBLIC OF THE PHILIPPINES

REQUIREMENT OF CERTIFICATION

Pursuant to § 817.4, Rev. 1 (13 F. R. 127, 14 F. R. 1169, 16 F. R. 12847), notice is hereby given that the 1953 sugar quotas for Hawaii and the Republic of the Philippines each have been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.4, Rev. 1, for the remainder of the calendar year 1953 Collectors of Customs shall not permit the entry into the continental United States from Hawaii or the Republic of the Philippines of any sugar unless and until the certification described in Part 817 is issued.

Issued this 15th day of October 1953.

[SEAL] LAWRENCE MYERS,
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 53-8940; Filed, Oct. 20, 1953; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6050 et al.]

BRANIFF AIRWAYS, INC., ET AL.

NOTICE OF HEARING

In the matter of the application of Braniff Airways, Inc., for renewal and amendment of the certificate of public convenience and necessity for route No. 106 and the applications of Mid-Continent Airlines, Inc., Ozark Air Lines, Inc., North Central Airlines, Inc. and United Air Lines, Inc. relating to air transportation in the area between Omaha, Nebr., Sioux City, Ia. and Chicago, Ill., Dockets Nos. 6050, 3266, 6029, 5888, and 4006.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of the said act, that a hearing in the above-entitled proceeding will be held on November 16, 1953, at 10:00 a. m., e. s. t., in Room 1201, Temporary Building No. 4, Seventeenth Street south of Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the applications consolidated herein, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the amendment of the certificate of public convenience and necessity held by Braniff Airways, Inc., for route No. 106 so as to authorize, permanently or for a temporary period, the air transportation of persons, property and mail between the terminal points Chicago, Ill., and Sioux City, Iowa, by way of the intermediate points Rockford, Ill., Dubuque, Waterloo, Mason City, and Fort Dodge, Iowa, and between the intermediate points Rockford, Ill., and Clinton and Waterloo, Iowa, and so as to eliminate from the certificate the conditions that (1) Chicago shall not be served on any flight serving any point not authorized for service by the certificate for route 106 and (2) Fort Dodge and Mason City, Iowa, shall not be served on the same flight.

2. Whether the public convenience and necessity require the amendment of the certificate of public convenience and necessity for route No. 48, held by Braniff Airways, Inc., successor by merger to Mid-Continent Airlines, Inc., so as to authorize air transportation of persons, property and mail between the intermediate point Waterloo, Iowa, and the terminal point Chicago, Ill.

3. Whether the public convenience and necessity require that Ozark Air Lines, Inc., be authorized to engage temporarily in air transportation of persons, property and mail (1) between the terminal points Sioux City, Iowa, and Chicago, Ill., by way of the intermediate points Fort Dodge, Mason City, Waterloo, and Dubuque, Iowa, and Rockford, Ill., and (2) between the terminal points Des Moines, Iowa, and Chicago, Ill., by way of the intermediate points Waterloo, Cedar Rapids, and Clinton, Iowa, and Rockford, Ill.

4. Whether the public convenience and necessity require the amendment of the certificate of public convenience and necessity for route No. 86 held by North Central Airlines, Inc., so as to authorize temporary air transportation of persons, property and mail between the terminal points Sioux City, Iowa, and Chicago, Ill., by way of the intermediate points Fort Dodge, Mason City, Waterloo, and Dubuque, Iowa, and Rockford, Ill., and between the intermediate points Waterloo and Clinton, Iowa, and Rockford, Ill.

5. Whether the public convenience and necessity require the amendment of the certificate of public convenience and necessity for route No. 1 held by United Air Lines, Inc. so as to authorize air transportation of persons, property and mail between the intermediate points Chicago and Rockford, Ill., Clinton, Dubuque, Waterloo, Mason City, Fort Dodge, and Sioux City, Iowa, and Omaha, Nebr.

6. Whether the applicants are fit, willing and able properly to perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

For further details of the issues involved in this proceeding, interested persons are referred to the applications, the consolidation order (No. E-7533), the prehearing conference report and the supplemental prehearing conference report comprised in the record of this proceeding on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before November 16, 1953, a statement setting forth the propositions of fact or law which he desires to advance.

Dated at Washington, D. C., October 16, 1953.

[SEAL] THOMAS L. WRENN,
Acting Chief Examiner.

[F. R. Doc. 53-8938; Filed, Oct. 20, 1953; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10289, 10290, 10291, 10292]

HEAD OF THE LAKES BROADCASTING CO. ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In the matter of Head of the Lakes Broadcasting Co., Superior, Wisconsin, Docket No. 10289, File No. BPCT-621; Red River Broadcasting Co., Inc., Duluth, Minnesota (Channel 3), Docket No. 10290, File No. BPCT-903; Ridson, Incorporated, Superior, Wisconsin, Docket No. 10291, File No. BPCT-728; Lakehead Telecasters, Inc., Duluth, Minnesota (Channel 6), Docket No. 10292, File No. BPCT-981; for construction permits for new television stations.

1. The Commission has before it for consideration (1) a petition filed August 21, 1953, by the Head of the Lakes Broadcasting Company requesting reconsideration of our memorandum opinion and order of August 13, 1953, which, among other things, denied the petitioner's request for leave to amend its application so as to specify Channel 6 in lieu of Channel 3 and for designation of the application as amended for hearing in consolidation with other pending applications for Channel 6 at Duluth-Superior (Wisconsin). By the subject petition, Head of the Lakes asks that we reconsider the aforementioned denial or, in the alternative, that we designate all pending applications for both Channel 3 and Channel 6 for hearing in a single consolidated proceeding. This alternative request was before the Commission on an earlier occasion, and was denied in our Order of February 2, 1953.

2. In two recent cases we pointed out that neither the Communications Act of

1934, as amended, nor our rules and regulations provide for reconsideration of Commission actions on interlocutory matters which cannot have the effect of disposing of the application involved. WGAL, Inc. (WGAL–TV), 9 Pike and Fischer RR 120a; Westinghouse Radio Stations, Inc., 9 Pike and Fischer RR 623. The subject petition requests relief of the same sort. In any event, we find that the petitioner has advanced no substantial allegations or arguments which we have not already considered and disposed of, and we conclude, therefore, that the subject petition should be denied.

3. There is another matter which merits some attention at this time. On petition of Head of the Lakes, we added for determination in the Channel 3 proceeding an issue framed in the light of section 307 (b) of the Communications Act of 1934, as amended. It is the inclusion of this issue which in part prompted the subject petition and the pleadings which preceded it. We have given further consideration to this problem and we now find it desirable to clarify our position. In view of the probability that both applicants for Channel 3 will provide equally acceptable service over the area encompassing both Duluth and Superior, and the probability that a transmission facility located in either city will be available to the residents of both cities, we believe that a specific determination should be made in the Channel 3 hearing as to whether the Commission is required to make a choice between the two proposals on the basis of section 307 (b). We shall, therefore, and on our own motion, amend the aforementioned issue to call for that determination.

4. *Accordingly, it is ordered,* This 14th day of October 1953, that the above-described petition of Head of the Lakes Broadcasting Company is denied; and

5. *It is further ordered,* On the Commission's own motion that Issue No. 5 as specified for the subject proceeding is amended to read as follows:

5. To determine whether a choice can be made between the above-entitled application on the basis of section 307 (b) of the Communications Act of 1934 as amended, and if so, whether a grant to one or another of the applicants would provide the more fair, efficient, and equitable distribution of service.

Released: October 15, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53–8927; Filed, Oct. 20, 1953; 8:49 a. m.]

[Docket Nos. 10714, 10715]

WXNJ, INC., AND PATCHOGUE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WXNJ, Incorporated, Plainfield, New Jersey, Docket No. 10714; File No. BP–8318; Patchogue Broadcasting Company, Inc., Patchogue, New York (WPAC), Docket No. 10715, File No. BP–8525; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1953;

The Commission having under consideration the above-entitled applications for construction permits for a new standard broadcast station at Plainfield, New Jersey, to operate on 1580 kc., 1 kw, daytime only, and to increase the power of Station WPAC, Patchogue, New York, from 250 watts to one kilowatt.

It appearing, that the applicant, WXNJ, Incorporated, is legally, technically, financially and otherwise qualified to operate the proposed station, but that the proposed operation would cause interference to and receive interference from Stations WPAC, Patchogue, New York, and WQXR, New York, New York; and to the operations of Stations WPAC and WQXR as proposed in the above-entitled application and the pending application filed by WQXR (File No. BP–4506); and

It further appearing, that the applicant, Patchogue Broadcasting Company, is legally, technically, financially and otherwise qualified to operate Station WPAC as proposed, but that the proposed operation of WPAC would cause interference to the station proposed by WXNJ, Incorporated, in the above-entitled application, and to Station WQXR, New York, New York, and fails to comply with the Standards of Good Engineering Practice with respect to blanketing; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated December 4, 1952, and July 22, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that neither of the applicants has replied to the Commission's letters;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of the proposed station of WXNJ, Incorporated, would involve objectionable interference with Stations WQXR, New York, New York, and WPAC, Patchogue, New York and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations, and the nature and the character of the program service now being rendered by Stations WQXR, and WPAC, respectively, to such areas and populations.

4. To determine whether the operation of Station WPAC as proposed would involve objectionable interference with Station WQXR, New York City, and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations, and the nature and character of the program service now being rendered by Station WQXR to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in the pending application of Station WQXR to increase power to 50 kw (File No. BP–4506) and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of Station WPAC as proposed would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to blanketing within the 250 mv/m contour of Station WPAC.

It is further ordered, That Interstate Broadcasting Company, licensee of Station WQXR, is made a party to the proceeding.

Released: October 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53–8928; Filed, Oct. 20, 1953; 8:49 a. m.]

[Docket No. 10718]

WEST BRANCH COMMUNITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Loren Chester Ball and Harry Lee Byers, d/b as West Branch Community Broadcasting Company, Milton, Pennsylvania, Docket No. 10718, File No. BP–8783; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1953;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station at Milton, Pennsylvania, to operate on 990 kilocycles, with a power of 250 watts, daytime only.

It appearing, that the applicant is legally and technically qualified but may not be financially qualified to operate the proposed station and that the operation as proposed would result in interference with Station WILK, Wilkes-Barre, Pennsylvania, and involve radiation toward the Canadian border in excess of values specified in a proposed

agreement with the Canadian Government (Docket No. 10453); and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated July 1, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant has failed to reply to the Commission's letter and that Station WILK filed a reply on July 30, 1953, objecting to the grant of the subject application; and

It further appearing, that, the Commission, after consideration of the WILK reply, is still unable to conclude that a grant would be in the public interest;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the financial qualifications of the applicant.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the population and area proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with Station WILK, Wilkes-Barre, Pennsylvania, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations and the nature and character of the program service now being rendered by WILK to such areas and populations.

5. To determine if the proposed operation would involve radiations in excess of those permitted under the proposed agreement with Canada concerning the assignment of Class II Standard Broadcast Stations to clear channels (Docket No. 10453).

It is further ordered, That the Wyoming Valley Broadcasting Company, licensee of Station WILK, Wilkes-Barre, Pennsylvania, is made a party to this proceeding.

Released: October 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8929; Filed, Oct. 20, 1953; 8:50 a. m.]

[Docket Nos. 10719, 10720]

WHITE RADIO CO. AND LAWTON BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of W. Erle White tr/ as White Radio Company, Wichita Falls, Texas, Docket No. 10719, File No. PB-8615; Lawton Broadcasting Company, Lawton, Oklahoma, Docket No. 10720, File No. BP-8689; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1953;

The Commission having under consideration the applications for construction permits of W. Erle White tr/ as White Radio Company, Wichita Falls, Texas, to operate on 1050 kilocycles, 250 watts, Daytime only, and the Lawton Broadcasting Company, Lawton, Oklahoma, to operate on 1050 kilocycles, 250 watts, Daytime only, using a directional antenna.

It appearing, that the applicants are legally, technically, financially and otherwise qualified to operate the proposed stations, but that the operation of both stations as proposed would result in mutually prohibitive interference with each other; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated March 18, 1953, that their applications were mutually exclusive and that a hearing would be necessary; and

It further appearing, that the applicants filed replies to the Commission's letter on June 17, 1953, and April 8, 1953, respectively; that W. Erle White amended his application on July 20, 1953; and that Lawton Broadcasting Company amended its application on August 10, 1953; and

It further appearing, that the Commission, after consideration of the replies and the amendments still finds the two applications to be mutually exclusive;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine the overlap, if any, which would exist between the service areas of the station proposed by Lawton Broadcasting Company and of Station KTRN, Wichita Falls, Texas, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission rules.

3. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programing service proposed in each of the above-mentioned applications.

Released: October 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8930; Filed, Oct. 20, 1953; 8:50 a. m.]

[Docket No. 10721]

ST. JOHNS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of St. Johns Broadcasting Company, Portland, Oregon, Docket No. 10721, File No. BP-8553; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1953;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcast station at Portland, Oregon, to operate on 860 kilocycles, with a power of 500 watts, daytime only.

It appearing, that the applicant is legally, technically and otherwise qualified to operate the proposed station, but that the application will involve radiations in the direction of the Canadian border which are in excess of those proposed in the agreement with the Canadian Government (Docket No. 10453) and that the application fails to comply with the Standards of Good Engineering Practice, particularly with reference to the ability of the proposed station to adequately serve the business district of the City of Portland, Oregon; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated May 27, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant failed to reply to the Commission's letter; and

It further appearing, that the Commission is still unable to conclude that a grant would be in the public interest;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the financial qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program service proposed to be

rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine if the proposed operation would involve radiations in excess of those permitted under the proposed agreement with Canada concerning the assignment of Class II Standard Broadcast Stations to clear channels (Docket No. 10453).

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the ability of the proposed station to adequately serve the business and industrial areas of the City of Portland, Oregon.

Released: October 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8931; Filed, Oct. 20, 1953; 8:50 a. m.]

[Docket No. 10722]

ALVARADO BROADCASTING CO., INC. (KOAT)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON SLATED ISSUES

In re application of Alvarado Broadcasting Company, Inc. (KOAT) Albuquerque, New Mexico, Docket No. 10722, File No. BP-8782; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1953;

The Commission having under consideration the above-entitled application for construction permit to change frequency from 1240 kilocycles to 860 kilocycles, increase power from 250 watts, unlimited time, to one kilowatt day, and 500 watts night, using a directional antenna, night and to change type of transmitter.

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KOAT as proposed, but that the proposed operation does not comply with the Standards of Good Engineering Practice; particularly with reference to the percentage of nighttime population lost to the population served; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated July 22, 1953, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant filed a reply on August 21, 1953; and

It further appearing, that, the Commission, after considering the reply, is still unable to conclude that a grant would be in the public interest;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the interference to which the proposed operation would be subject.

Released: October 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8932; Filed, Oct. 20, 1953; 8:50 a. m.]

[Docket Nos. 10726, 10727]

GUY GANNETT BROADCASTING SERVICES AND MURRAY CARPENTER AND ASSOCIATES

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Guy Gannett Broadcasting Services, Portland, Maine, Docket No. 10726, File No. BPCT-639; Murray Carpenter and Associates, Portland, Maine, Docket No. 10727, File No. BPCT-1747; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Portland, Maine; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated August 14, 1953, September 21, 1953, and October 2, 1953, that their applications were mutually exclusive, and that a hearing would be necessary; that Guy Gannett Broadcasting Services was advised by the said letter of August 14, 1953, that certain questions were raised as the result of the deficiencies of a financial nature in its application; and that Murray Carpenter and Associates was advised by the said letters that certain questions were raised as the result of deficiencies of a financial and technical nature in its application and that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Guy Gannett Broadcasting Services is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Murray Carpenter and Associates is legally qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matters referred to in issues "2" and "3" below.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m., on November 13, 1953, in Washington, D. C., upon the following issues:

1. To determine whether Murray Carpenter and Associates is financially qualified to construct, own and operate its proposed television broadcast station.

2. To determine the height above average terrain of the radiation center of the antenna proposed by Murray Carpenter and Associates in its above-entitled application.

3. To determine whether the installation of the station proposed by Murray Carpenter and Associates in its above-entitled applications would constitute a hazard to air navigation.

4. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience or necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8933; Filed, Oct. 20, 1953; 8:50 a. m.]

[Docket Nos. 10728, 10729]

CAPITAL TELEVISION, INC., AND TIERNEY CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Capital Television, Inc., Charleston, West Virginia, Docket No. 10728, File No. BPCT-1080; The Tierney Company, Charleston, West Virginia, Docket No. 10729, File No. BPCT-1085; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8 in Charleston, West Virginia; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated October 8, 1952, August 21, 1953, and October 2, 1953, that their applications were mutually exclusive, that a hearing would be necessary and that certain questions were raised as the result of deficiencies of a financial and technical nature in their applications; and that Capital Television, Inc., was advised by the said letter of August 21, 1953, that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; and

It further appearing, that the application of The Tierney Company proposes an antenna location in the vicinity of the antenna of standard broadcast Station WKNA; that the installation and operation of the television antenna as proposed is possible and feasible without adversely affecting the ability of Station WKNA to operate in accordance with the terms of its license; that appropriate proof thereof should be submitted after installation and operation of the said proposed antenna; and that a grant, if made, of the application should be subject to a condition in this respect as follows: "The construction authorized is subject to the condition that such shall not adversely affect the ability of standard broadcast station WKNA to operate in accordance with the terms of its license, particularly with respect to its antenna system, and that sufficient field intensity measurements of Station WKNA shall be made before and after such construction to prove that no material effect thereon has resulted."

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on November 13, 1953, in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience or necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8934; Filed, Oct. 20, 1953; 8:51 a. m.]

[Docket Nos. 10730, 10731]

DURHAM RADIO CORP. AND DURHAM BROADCASTING ENTERPRISES, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Durham Radio Corporation, Durham, North Carolina, Docket No. 10730, File No. BPCT-626; Durham Broadcasting Enterprises, Inc., Durham, North Carolina, Docket No. 10731, File No. BPCT-893; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of October 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in Durham, North Carolina; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated October 8, 1952, September 11, 1953, and October 8, 1953, that their applications were mutually exclusive, that a hearing would be necessary and that certain questions were raised as the result of deficiencies of a financial and technical nature in their application; that Durham Radio Corporation was advised by the said letter of October 8, 1952, that it did not appear to be authorized to operate a television broadcast station; and that Durham Broadcasting Enterprises, Inc. was advised by the said letter of October 8, 1953, that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Durham Radio Corporation is legally, financially, and technically qualified to construct, own and operate a television broadcast station; and that Durham Broadcasting Enterprises, Inc. is legally and financially qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matter referred to in issue "1" below; and

It further appearing, that the application of Durham Radio Corporation proposes an antenna location in the vicinity of the antenna of standard broadcast station WDNC; that the installation and operation of the television antenna as proposed is possible and feasible without adversely affecting the ability of station WDNC to operate in accordance with the terms of its license; that appropriate proof thereof should be submitted after installation and operation of the proposed antenna; and that a grant, if made, of the application should be subject to a condition in this respect as follows:

Before construction of the television antenna proposed by Durham Radio Corporation is commenced, request shall be made to the Commission to determine the power of WDNC by the indirect method. During the television installation, the directional antenna of WDNC shall be maintained as closely as possible to the values appearing on its license. Upon completion of the television installation, the WDNC field intensity shall be measured at a minimum of three points on each radial and submitted to the Commission together with a tabulation of meter readings. The common point impedance of the WDNC antenna system shall be remeasured and the results submitted to the Commission together with Form 302 if any changes are noted.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on November 13,

1953, in Washington, D. C., upon the following issues:

1. To determine whether the installation of the station proposed by Durham Broadcasting Enterprises, Inc. in its above-entitled application would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience or necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-8935; Filed, Oct. 20, 1953; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28554]

LIVESTOCK FROM CENTRAL AND ILLINOIS TERRITORIES TO THE SOUTH

APPLICATION FOR RELIEF

OCTOBER 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, and H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Livestock, carloads.

From: Points in central and Illinois territories.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, to maintain grouping and compliance with docket 30925.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 741, supp. 2; R. G. Raasch, Agent, I. C. C. No. 776, supp. 16; H. R. Hinsch, Alt. Agent, I. C. C. No. 4510, supp. 28; H. R. Hinsch, Alt. Agent, I. C. C. No. 4367, supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-8920; Filed, Oct. 20, 1953; 8:47 a. m.]

[4th Sec. Application 28555]

SCRAP IRON FROM RICHMOND, VA., TO FAIRLESS, PA.

APPLICATION FOR RELIEF

OCTOBER 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Southern Railway Company for itself and in behalf of other carriers parties to schedule listed below.

Commodities involved: Scrap iron and articles taking the same rates.

From: Richmond, Va.

To: Fairless, Pa.

Grounds for relief: Competition with rail carriers and circuitous routing.

Schedules filed containing proposed rates: Southern Railway tariff I. C. C. No. A-11217, supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-8921; Filed, Oct. 20, 1953; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6479]

LOWER VALLEY POWER AND LIGHT, INC.

NOTICE OF EXTENSION OF TIME

OCTOBER 14, 1953.

Upon consideration of telegraphic request filed October 12, 1953, and letter request filed October 14, 1953, by Counsel for Lower Valley Power and Light, Incorporated, for an extension of time within which to acquire the facilities of Star Valley Power and Light Company;

Notice is hereby given that an extension of time is granted to and including December 21, 1953, within which Lower Valley Power and Light, Inc., may consummate the transaction authorized by the Commission's order issued August 21, 1953, in the above-designated matter. Paragraph (C) of said order is amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-8919; Filed, Oct. 20, 1953; 8:47 a. m.]

[Docket Nos. G-1319, G-1568, G-1012, G-1554, G-1558, G-1559, G-1560, G-1576, G-1584, G-1655, G-2077, G-2108]

ALGONQUIN GAS TRANSMISSION CO. ET AL.

NOTICE OF ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 15, 1953.

In the matters of Algonquin Gas Transmission Company, Docket No. G-1319; Northeastern Gas Transmission Company, Docket No. G-1568; Texas Eastern Transmission Corporation, Docket No. G-1012; Portland Gas Light Company, Docket No. G-1554; Biddeford and Saco Gas Company, Docket No. G-1558; Gas Service, Incorporated, Docket No. G-1559; Allied New Hampshire Gas Company, Docket No. G-1560; Greenfield Gas Light Company, Docket No. G-1576; Gardner Gas Fuel and Light Company, Docket No. G-1584; Athol Gas Company, Docket No. G-1655; Blackstone Valley Gas and Electric Company, Docket No. G-2077; Tennessee Gas Transmission Company, Docket No. G-2108.

Notice is hereby given that on October 9, 1953, the Federal Power Commission issued its order adopted October 8, 1953, amending Opinion No. 259 and order of August 6, 1953 (18 F. R. 4896), issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-8914; Filed, Oct. 20, 1953; 8:46 a. m.]

[Docket No. G-2251]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE FOR HEARING

On September 21, 1953, Texas Eastern Transmission Corporation (Texas

Eastern) a Delaware corporation with its principal office in Shreveport, Louisiana, filed an application with the Federal Power Commission, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Texas Eastern to sell and deliver to certain of its present firm customers additional natural gas under its DCQ Rate Schedules for a period of one year commencing November 1, 1953, and natural gas available under its WPS Rate Schedule for the period November 1, 1953, through March 31, 1954, as specified in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, if no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 7, 1953 (18 F. R. 6391).

The Commission orders:

(1) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 22, 1953, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(2) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: October 14, 1953.

Issued: October 15, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-8915; Filed, Oct. 20, 1953; 8:46 a. m.]

[Docket No. G-2265]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

OCTOBER 15, 1953.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, having its principal place of business in Oklahoma City, Oklahoma, filed on October 5, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, for authority to construct and operate approximately 17,000 feet of 4-inch pipeline extending westerly from a point of connection with its 12-inch pipeline to Grandview Air Force Base in Cass County, Missouri.

Applicant proposes to make direct sales to Grandview Air Force Base of an estimated 16,615 Mcf annually with 46 Mcf on the peak day. The estimated cost of the proposed facilities is $46,200.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-8918; Filed, Oct. 20, 1953; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3135]

WORCESTER COUNTY ELECTRIC CO.

NOTICE OF FILING REGARDING SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

OCTOBER 15, 1953.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by Worcester County Electric Company ("Worcester"), a subsidiary of New England Electric System ("NEES"), a registered holding company. The applicant-declarant has designated sections 6 (a) (2), 6 (b) and 7 of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Worcester proposes to create a new class of capital stock, namely, 300,000 shares of $100 par value cumulative preferred stock, and proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 75,000 shares of such stock. The dividend rate (which shall be expressed in a multiple of 0.04 of 1 percent and not in excess of 6 percent) and the price to be paid to Worcester (which shall be not less than $100 and shall not exceed $102.75 per share) will be determined by competitive bidding. Bids will be received up to 12 noon on a date, not less than ten days or more than thirty days after the date of the invitation for bids, as the company shall fix by giving notice at least forty-two hours in advance to each prospective bidder.

The proceeds from the proposed sale of preferred stock (exclusive of accrued dividends and the expenses of issuance) are to be applied to the payment of short-term notes payable to NEES and to banks, estimated in the aggregate of $6,500,000, and the balance, if any, of the proceeds will be used to pay for capitalizable expenditures or to reimburse the treasury therefor.

According to the applicants, the proposed issue and sale of preferred stock is subject to the jurisdiction of the Massachusetts Department of Public Utilities. Copies of the order or orders of that State commission are to be supplied by amendment.

It is requested that the Commission's orders entered herein become effective upon the issuance thereof.

Notice is further given that any interested person may, not later than October 29, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-8916; Filed, Oct. 20, 1953; 8:46 a. m.]